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5 SELECT COMMITTEE TO INVESTIGATE THE
6 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
7 U.S. HOUSE OF REPRESENTATIVES,
8 WASHINGTON, D.C.

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12 INTERVIEW OF: DAVID BOWDICH

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16 Thursday, December 16, 2021

17

18 Washington, D.C.

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21 The interview in the above matter was held in Room 5480, O'Neill House Office
22 Building, commencing at 10:01 a.m.

23 Present: Representative Aguilar.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] RESEARCHER

12 [REDACTED] INVESTIGATIVE COUNSEL

13 [REDACTED] CHIEF CLERK

14

15 For THE WITNESS:

16

17 TODD HARRISON

18 MAC ROUTH

19

20 For the DEPARTMENT OF JUSTICE:

21

22 KIRA ANTELL, SENIOR COUNSELOR

23 JANICE NSOR, DEPARTMENT OF JUSTICE

24 JOSH GARDNER, DEPARTMENT OF JUSTICE

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2 For THE FBI:

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4 MEGAN GREER, FBI OFFICE OF GENERAL COUNSEL

5 MIRIAM COAKLEY, FBI OFFICE OF GENERAL COUNSEL

6 JILL TYSON, ASSISTANT DIRECTOR FOR OFFICE OF CONGRESSIONAL AFFAIRS

1

2 [REDACTED] Good morning.

3

4 This is a transcribed interview conducted by the House select committee to
5 Investigate the January 6th Attack on the U.S. Capitol pursuant to House Resolution 503.
6 We're here for the transcribed interview of former FBI Deputy Director David Bowdich.

6

7 Mr. Bowdich, if you could please state your full name and spell your last name for
8 the record.

8

9 The Witness. Name is David Bowdich. Last name is B, as in boy, o-w-d-i-c-h.

9

10 [REDACTED] This is a staff-led transcribed interview. My name is [REDACTED]
11 and I'm the chief investigative counsel to the select committee. [REDACTED] is
12 here. She's a senior investigative counsel for the select committee. The two of us will
13 be the primary questioners during the deposition.

13

14 With us in the room in D.C. are [REDACTED] who's a researcher on the select
15 committee, and [REDACTED] and [REDACTED] who are investigative counsel.

15

16 [REDACTED] We have lost them.

16

17 [REDACTED] They have a bandwidth issue.

17

18 [REDACTED] Okay. I want to make sure, Mr. Bowdich and Mr. Harrison, you
19 can still hear us. We see your name but can't see you.

19

20 They are back.

20

21 Mr. Harrison. Can you guys hear me?

21

22 [REDACTED] Yes. Now we can.

22

23 Mr. Harrison. We didn't do anything, but we got kicked off video. We could
24 still hear you, and then we got kicked off both somehow.

24

25 [REDACTED] Okay.

25

26 The Witness. Right after I spelled my name, we got kicked off.

1 [REDACTED] Okay. Well, thanks again, Mr. Bowdich, for being here. I'm [REDACTED]
2 [REDACTED] I'm the chief investigative counsel to the select committee. [REDACTED]
3 [REDACTED] is here. She's a senior investigative counsel. The two of us will be the
4 primary questioners over the course of the transcribed interview.
5 In the room with me, [REDACTED], [REDACTED] and [REDACTED], all of whom
6 are staff to the select committee.
7 I understand you're represented by counsel, Mr. Harrison, who is with you in the
8 room.
9 The Witness. Yes.
10 [REDACTED] And I also want to just give the FBI and DOJ representatives a
11 chance to quickly introduce themselves before we get started. So maybe we will start
12 with Kira and the Department of Justice.
13 Ms. Antell. Thank you.
14 Kira Antell, A-n-t-e-l-l, from the Department of Justice. I'm joined by my
15 colleagues, Janice Nsor, N-s-o-r, and Josh Gardner, G-a-r-d-n-e-r.
16 And I'll turn it to FBI to introduce themselves.
17 Ms. Greer. Good morning.
18 This is Megan Greer, G-r-e-e-r, from FBI Office of General Counsel. I'm joined by
19 Miriam Coakley, C-o-a-k-l-e-y, also from the Office of General Counsel, and Assistant
20 Director Jill Tyson, T-y-s-o-n, from the Office of Congressional Affairs.
21 [REDACTED] Great. Okay. Did we miss anyone?
22 Mr. Harrison. Before you start, just so it's clear, this is Todd Harrison. My
23 associate, Mac Routh, M-a-c, last name R-o-u-t-h I believe is also on.
24 [REDACTED] Okay. Great.
25 Mr. Routh. I'm here. Thank you.

1 [REDACTED] Excellent.

2 Did we get everybody who's joined? I believe we have on our side. I want to
3 make sure everyone else has identified themselves.

4 Okay. Great.

5 All right. Well, before we begin, Mr. Bowdich, just a few ground rules that won't
6 be new to you. You're obviously permitted to have an attorney present, and I see that
7 Mr. Harrison and his associate are there. If you, at any point, need a moment to consult
8 with Mr. Harrison before answering a question, just say so, and we will take a break to
9 allow you to do that. If you need a break for any reason, just say the word, and we can
10 do that. We want to make sure that you have a chance to talk with him and are
11 comfortable and prepared to proceed at all times.

12 There is an official reporter who is transcribing the record of the interview.
13 Please wait until each question is completed before you begin your response. We will
14 try to wait until your response is complete before we ask our next question. The court
15 reporters have to take down every word, so if we're talking over each other, that's
16 obviously difficult for them to do. They will step in, as they have done to me several
17 times when I get overzealous in my questions, but let's try to prevent them from having
18 to do that.

19 The stenographer also cannot record nonverbal responses such as shaking your
20 head, so it's important to answer each question with an audible verbal response.

21 We ask that you provide complete answers based on your best recollection. If
22 the answer is not clear, please just ask for a clarification. And if you don't know the
23 answer, just simply say so. We're just trying to get the facts as you remember them.

24 I also want to remind you with something that we remind every witness, that it is
25 unlawful to deliberately provide false information to Congress. If you do not tell the

1 truth intentionally and in response to an answer, it could be a criminal offense, again, not
2 specific to you, Mr. Bowdich, but something we tell all witnesses.

3 When the transcribed interview is over, you and your attorney will have an
4 opportunity to review the transcript and make sure that everything accurately reflects
5 what you said.

6 All right. With those preliminary instructions, we will go ahead and get started.

7 EXAMINATION

8 BY [REDACTED]

9 Q And we will start very simply with your background. Tell us, Mr. Bowdich,
10 where you're from and where you went to school?

11 A After completing my undergrad, I became a police officer with the
12 Albuquerque Police Department where I served for 4 years, from 1991 to 1995.

13 I came into the FBI -- joined the FBI in 1995, and served a couple of times in the
14 San Diego office, served in the Los Angeles office, served in Washington, D.C. three times,
15 and eventually retired on February the 15th, though my last day walking out the door was
16 the 25th of January of this year, 2021.

17 Q Okay. What were the supervisory jobs that you had within the bureau?
18 Were you a special agent in charge of various units over time? Just describe those for us
19 briefly.

20 A Okay. So I served as supervisor over a multiagency gang task force. It's
21 called the Safe Streets Task Force in San Diego. We worked the Mexican Mafia, Bloods,
22 Crips, Hell's Angels, that type of thing.

23 I then went back to headquarters and served a year in our Safe Streets Gang Unit,
24 served a year in the Director's Office.

25 Then I came -- I returned to San Diego and served as an assistant special agent in

1 charge for about 15, 16 months there before being promoted back to headquarters, and
2 that was during the transition period between Director Mueller -- or no, it was at the end
3 of his tenure and they had asked me to transition in a new Director. The President at
4 the time, President Obama, extended Director Mueller for 2 years, and I was like the
5 Maytag man. So the Associate Deputy Director took me in and said, You're going to be
6 my chief of staff. And I worked for him and learned the guts of the organization because
7 that's the position that he would have, finance, budget, et cetera.

8 After that, I went back out to our [REDACTED] field office and became the head of
9 our counterterrorism division out there. And there I served for about 2.5 years in the
10 counterterrorism division as the special agent in charge. L.A. is one of three offices in
11 the FBI that has its own assistant director in charge of multiple SACs. And I served there
12 for about 2 years -- 2.5 years in that position, and then about a year and a half in the
13 associate deputy -- the assistant director in charge, which is the head of the Los Angeles
14 field office where you have everything. Los Angeles is an ET office, extra territory office,
15 so it has, you know, responsibility for attacks on U.S. citizens in southeast Asia, as well as
16 the Los Angeles AOR.

17 After that, I was brought back by Director Comey at the time to be the Associate
18 Deputy Director. In that position, to repeat, served as the chief of staff before I had
19 responsibility for internal investigations, budget, finance, again, the guts of an
20 organization, IT at the time. And so I served in that role until -- I served an acting stint as
21 the Deputy Director, when Director Comey was fired initially, for about 3 months until
22 Director Wray came in. He came in in August of 2018 -- sorry, 2017.

23 And in January of 2018, the Deputy Director at the time had to leave, and then I
24 was moved into that role temporarily, and that was made permanent in April of 2018. I
25 served as the Deputy from April -- really January of 2018 through January to February -- I

1 was on a couple weeks of leave -- 2021, so 3 years.

2 Q Got it.

3 Just a couple of follow-ups on that. So it sounds like during the time that you
4 were in California, you had some specific responsibility for counterterrorism
5 investigations and issues. Did that include both foreign and domestic terrorism?

6 A It did.

7 Q Did you have specific responsibility for the San Bernardino attack in 2015?

8 A I led that investigation.

9 Q Yeah. I'm sorry, Mr. Bowdich, you said you led that investigation?

10 A Yeah. I oversaw that investigation as the Assistant Director in Charge.

11 Q Got it. Okay.

12 So when you became the Deputy Director of the FBI -- you said that was in April
13 of 2018 -- was there any White House involvement in your candidacy for selection for that
14 position that you know of?

15 A No. The way the process works is the Director makes the selection. It
16 does have to get approved by the Attorney General. The Attorney General will
17 ultimately approve the position or not -- or the promotion or not.

18 Q Okay. So when Deputy Director McCabe left in January of 2018, there was
19 a gap of a couple of months before you were named his successor as the Deputy
20 Director?

21 A Correct.

22 Q And that was a selection made by Director Wray approved by Attorney
23 General, I guess it was Sessions at that point? Is that right?

24 A Correct.

25 Q And did you ever have any communication during the period of time when

1 you were being considered for that with President Trump or anybody on the White House
2 staff?

3 A During that period of time, no.

4 Q Okay.

5 All right. Let me now move --

6 A Let me go back to that.

7 Q Yeah, please.

8 A Communications with anyone on the White House staff, in my role as the
9 Acting Deputy, it's very likely I commonly attended Deputies committee meetings down
10 at the White House, which were often led by the Deputy National Security Advisor and/or
11 the National Security Advisor.

12 So when you consider his staff, I did. I don't remember which ones, but I'm sure
13 I did.

14 Q I understand. But those conversations would be about ongoing matters
15 that are of relevance to the Deputies, not your specific candidacy as Deputy Director?

16 A Correct. And there was no candidacy. It was more -- it was Director
17 Wray's decision and --

18 [REDACTED] He keeps going out.

19 BY [REDACTED]

20 Q Yeah, Mr. Bowdich, for whatever reason, you sort of fade out here and there
21 periodically. I don't know if you're just too far from the microphone or what. We're
22 largely capturing what you said, but you sort of sometimes tail off.

23 A Okay.

24 Q I think you were saying there's no candidacy; it's Director Wray's
25 appointment. It's not as if, you know, there's a competition or an interview process?

1 A Yeah.

2 Q Again, actually we didn't hear your response. I don't know what is wrong
3 with your --

4 A You didn't hear that?

5 Q Now, I can hear you.

6 A Okay. We are going to bump it up a little. Does that help?

7 Q Yeah. If you speak loud and lean forward, it seems to be better.

8 A All right.

9 [REDACTED] All right. And, Ms. Martin, our reporter, if you have any
10 trouble hearing, just stop us and we will make sure that Mr. Bowdich repeats his answer.

11 BY [REDACTED]

12 Q All right. So, Mr. Bowdich, now I'm just going to fast forward to the fall of
13 2020 and the election period. I want to ask you about some specific things that the FBI
14 was involved in surrounding the fall of the 2020 election. I'm going to ask you about
15 some election-related stuff, and then [REDACTED] is going to talk a little bit more
16 about -- specifically about January 6th, preparation for and management of the events at
17 the Capitol.

18 So I want to start -- and I assume you have a binder of exhibits in front of you.
19 Did your counsel make that available to you? If you could take that because I'm going to
20 now refer to some specific documents in that binder.

21 A Yes.

22 Q You have got it?

23 A One thing I would like to get on the record very quickly --

24 Q Yeah, please.

25 A -- is I retired officially, I believe it was February the 15th. I departed the FBI

1 on January the 25th. The thing I want to get on the record is I had a full offer from
2 Disney that I had accepted, the Walt Disney Company, December the 15th of 2020. I
3 talked to Director Wray. He had known that I had been approached by them about a
4 year and a half prior, and ultimately he asked me to stay through January 20th.

5 It's important to me that that is on the record. I chose to help him and the
6 organization get through that period of time, and then I left at a date of my choosing.

7 Q Okay. And, Mr. Bowdich, did the offer from Disney in any way restrict or
8 affect your service as Deputy Director, just in terms of recusals or things you had to stay
9 away from?

10 A I believe it did. I don't remember how it all worked, but yes, but it had
11 nothing to do with this situation.

12 Q Yeah, that's my question exactly. It didn't affect in any way your
13 involvement in the election-related matters or January 6?

14 A Correct.

15 Q Okay. All right. And you left then on your own terms, retired voluntarily
16 you said February of 2021?

17 A Yes. It's important to get that on the record because I did not announce it
18 until after the inauguration, and that was very intentional and deliberate because I
19 wanted to keep everyone focused. As you know, when you leave a position like that,
20 there's going to be posturing going on and a lot of chatter. I wanted to keep that to a
21 minimum, and I wanted to make it through the inauguration, and then announce the next
22 day, which is exactly what I did.

23 Q I see. Okay. I appreciate that.

24 Anything else as a preliminary matter that you want to ensure is on the record
25 before I launch into my questions?

1 A No. The only other thing I would ask you to remember is I walked out the
2 door January 25th, and I have not been involved with the FBI since --

3 Q Right.

4 A -- other than looking at documents and the type of thing we're doing to
5 prepare for this.

6 Q I see. And then are you currently working for the Disney Company?

7 A Right.

8 Q Okay. All right. Well, I want to start, if I can, by asking a little bit about
9 the FBI's involvement in investigating or preventing violence at election-counting
10 locations, specifically Philadelphia, Pennsylvania.

11 I want you to turn, if you can, to exhibit 30 in your binder.

12 This is an email chain, Mr. Bowdich, in which you were involved -- if you turn all
13 the way to the back, there's a document that indicates there's a SITREP for preventing
14 violence and criminal activity during the presidential election for a 24-hour period on
15 November 5th and 6th.

16 Do you see that document?

17 A I do.

18 Q Tell us what it is generally. What is a SITREP? What motivates its
19 issuance and what effect does it have?

20 A This is on behalf of Director George Beach, Assistant Director George Beach.
21 George is our head of Office of Public Engagement, and in that role, he leads the effort to
22 better liaise with our State and local chiefs and sheriffs and heads of law enforcement
23 agency. We brought George in from New York as an outsider. And the view was
24 always we liaison with him every day. He knows them. He was one of them. He
25 knows their world, and he is always a help when necessary to ensure that we're getting

1 the very best intel info we can get from them, and pushing it as well to them, sometimes
2 through them, sometimes direct through others.

3 But this particular document, it's obviously redacted heavily. This is -- when they
4 say PVCA SITREP, that's preventing violence and criminal activity. SITREP is situational
5 report for OGA partners. That's other government agency partners. This is designed
6 as -- based on what I know of this and looking at all the redactions -- the redactions,
7 probably that's a huge distro. When you see the two pages prior, that's a huge distro
8 list of many people on that. I'm sure that's what much of that is. And this is essentially
9 saying to them, Hey, we have a command post, and this product covers a time period
10 from 1:00 p.m. on the 5th to 1:00 p.m. on the 6th.

11 Q And this was a SITREP that applied nationwide as evidenced by the broad
12 distribution list? It wasn't tailored to any one particular location?

13 A That's correct, yes.

14 Q Okay. And it looks like, from the redactions, that this went to numerous
15 U.S. attorneys, agencies, and individuals in the AG's office. Is that your understanding?

16 A That's my belief. I can't tell everything here, but having seen many of these
17 over the years, that's my belief of what's redacted here and names.

18 Q Got it.

19 Okay. Mr. Bowdich, so if you go to the first page of Exhibit 30, it looks like you
20 are ultimately copied on an email chain that indicates -- and I'm quoting from the bottom
21 of the page that is document Bates stamped 13 -- "Rich, [REDACTED] The reports out of Philly,
22 especially relating to demonstrations at the vote-counting location, caught my attention.
23 Could you please get a report from our folks in Philly and confirm that they are prepared
24 and have what they need should the situation escalate."

25 That was sent from Ryan Newman at DOJ to Rich Donoghue and [REDACTED] and

1 it copies -- it's ultimately forwarded up to you.

2 Tell me what you remember, Mr. Bowdich, about the situation in Philadelphia and
3 what actions the Bureau took in response to those reports?

4 A Specifically to this situation, I do not recall specific actions we took. What I
5 will tell you is before the election, my recollection is I had a number of discussions. I'm
6 not sure that we had a -- I'm not sure when we had certain calls, but I was very focused
7 on making sure that our special agents in charge, which I'll refer to as SACs from here on
8 out, our SACs were laser-focused on having an election crimes task force stood up. An
9 election crimes task force was for a number of reasons, which included things like
10 allegations of election fraud, reports of voter intimidation or attempts to prevent voters
11 from reaching polling stations, that type of thing.

12 And we had had, as I recall, a call -- we had weekly calls where the Director and
13 myself, and the Associate Director would provide guidance out to the field. As I recall, I
14 believe we had one of those calls prior to the election. This is standard, particularly for
15 the 2-year cycle.

16 Q Yeah. So not unusual to 2020, but something that the Bureau does as a
17 matter of course before every national election?

18 A That's correct.

19 Q All right. And on Election Day, what is the FBI's role, if any, in terms of
20 ensuring there's no criminal activity or interference with the election?

21 A It would be to ensure that we follow up on all leads. We would make sure
22 that we are liaising with the State and local departments as necessary. As you know,
23 they have certain responsibilities, and where there were indications of violations of
24 Federal law, we would certainly engage as necessary.

25 Q And you indicated that there were election fraud task forces that were local

1 in which the Bureau participated around the country. Was that another standard
2 operating procedure?

3 A Yes.

4 Q On this one in Philadelphia, it looks like when it gets passed along to
5 someone in the Bureau, you know, in the Director's Office, the name is redacted. That
6 person says, "Can you please flag this for Dave Bowdich? I don't have his email address
7 plugged into the contacts."

8 It says, "Will" -- which I assume is Will Levy in the AG's office -- "asked me to make
9 sure that the FBI leadership was tracking and prepared for the potential unrest
10 surrounding the vote counting location in Philly."

11 And then it's forwarded to you, Mr. Bowdich.

12 See below from [REDACTED] "I'm sure we're on this, but let me know what I
13 can convey to him."

14 Again, any recollection as to how the FBI was on this, or what actions it may have
15 taken in Philadelphia?

16 A My recollection here -- in fact, I don't know who sent me this email based on
17 the redaction. This would not have been an unusual email to have received in and
18 around an election.

19 Q Okay. Did you, Mr. Bowdich, have any specific role in coordinating the
20 Bureau's activity with respect to these election-fraud task forces or election-related
21 matters?

22 A Well, yes. So the SACs technically direct report to me. There's 56 of them
23 out there, include the three in L.A., New York, and Washington, and I would direct their
24 activities on something so large that I wanted to make certain that they were engaged on
25 something like this. And I do remember specifically talking about election fraud task

1 forces and what we should be on guard for and mindful for.

2 Q Okay. We have talked to Rich Donoghue, for example, in the Department
3 of Justice who sort of took on a coordination role personally in his role in ensuring that
4 the Department's overall activity investigating allegations of election fraud, you know,
5 came through him and he was personally aware.

6 I'm just wondering if you had sort of a similar role to Mr. Donoghue's within the
7 FBI?

8 A Okay. Am I going to see everything out there? No. There's too much
9 for me to see everything. What would filter up to me would be the big ones, something
10 that was very concerning. Oftentimes, those are the types of things I would see. But
11 I'm not going to see every complaint, every --

12 Q Yeah.

13 A -- everything out there. There's too much.

14 Q Okay. And that sounds like that's just pursuant to your place in the
15 organizational chart as Deputy Director, not anything -- that would be true for terrorism
16 investigations or other kinds of important matters?

17 A That's correct.

18 Q Okay. All right. So nothing -- you don't remember anything specific about
19 Philadelphia?

20 A I do not in this case, no.

21 Q All right. Do you remember any other examples of interference with the
22 counting after the election when there was demonstration activity or people on the
23 outside of places in which the votes were being counted where the Bureau responded or
24 was monitoring?

25 A Alleged interference with counting, the one that I remember that comes to

1 mind was the one in Georgia, where you had the -- what the press was reporting to be
2 suitcases brought into a vote-tallying location.

3 Q Yeah.

4 A That's the one that sticks out in my mind specifically about counting.

5 Q Yeah. I'm going to get to that. I have some specific questions about that.
6 But other than that, anything else with respect to counting?

7 A There were a number of allegations that popped up of election fraud.
8 Specific to counting, I don't recall. There was one in Michigan. What I don't recall are
9 the details of that.

10 Q Uh-huh.

11 A That one may have been specific to counting. I just don't recall.

12 Q Yeah, I understand.

13 And with all of these election-related matters, is it fair to say the Bureau's role is in
14 monitoring whether or not there are criminal offenses? Like gathering evidence of
15 possible criminal offense, that's the specific role of the FBI when it comes to either
16 interference with counting or alleged election fraud?

17 A Correct.

18 Q Okay.

19 All right. Turn to the next exhibit, if you can, in your binder. That's number 31.

20 This is a memo dated November 9th of 2020 that was sent by Attorney General
21 Barr to all of the U.S. Attorneys, all of the component heads, and including the Director of
22 the FBI.

23 Do you ever remember seeing this, Mr. Bowdich, when it was issued in November
24 of 2020?

25 A I do.

1 Q Okay. Do you know what motivated it?

2 A I don't know what motivated this. I remember it specifically. I read it.

3 Actually the specific guidance that it provided was helpful for us --

4 Q Yeah.

5 A -- from my perspective.

6 Q Yeah, okay.

7 I want to call your attention to the very last paragraph on the first page that says,
8 "Given this" -- and this is the interest in ensuring fair elections -- "and given that voting in
9 our current elections has now concluded, I authorize you" -- you being the U.S. Attorneys
10 and the component heads -- "to pursue substantial allegations of voting and vote
11 tabulation irregularities prior to the certification of elections in your jurisdictions in
12 certain cases, as I have already done in specific instances. Such inquiries and reviews
13 may be conducted if there are clear and apparently credible allegations of irregularities
14 that, if true, could potentially impact the outcome of a Federal election in an individual
15 State. Any investigation of claims of irregularities that, if true, would clearly not impact
16 the outcome of a Federal election in an individual State should normally be deferred until
17 after the election certification process is completed."

18 Now, it sounds like Attorney General Barr is establishing kind of a threshold
19 evidentiary line that would justify pursuing investigations of irregularities and ensuring
20 that everybody, U.S. Attorneys and the FBI, are aware of that threshold.

21 Is that generally accurate?

22 A I would say that's accurate. I don't know what was in his mind when he
23 created it; but based on your reading and my reading, I would say that's fair.

24 Q You said, Mr. Bowdich, that this was helpful to the FBI. Tell me more why it
25 was helpful?

1 A It was helpful for us to have clear guidance from the Attorney General, from
2 my perspective. And as we go through more, I think that will become more and more
3 clear.

4 There was a lot of chatter out there, as you're well aware of, and the more specific
5 guidance we could have, the better.

6 Q Okay. The chatter, did that -- do you have any idea whether the chatter or
7 the reporting about allegations of election fraud motivated Attorney General Barr to send
8 out this guidance, or do you know more specifically what motivated this direction to the
9 field?

10 A [Inaudible].

11 Q You faded again.

12 A I don't know.

13 Q Okay.

14 All right. How was this memo then disseminated within the FBI?

15 A I believe we sent this out to the SACs. I don't know -- I don't recall exactly.
16 But this is one that, as a matter of course, would have and should have gone out to the
17 SACs.

18 Q Okay. And the line that's drawn in the memo that I just read to you
19 between sufficiently clear -- I think the words are "clear and apparently credible
20 allegations" that would affect the outcome versus things that would not, who was
21 responsible, in your view, for making that determination as to whether or not an alleged
22 irregularity met that threshold?

23 A That would be something that we would rely heavily on the U.S. Attorney's
24 opinion to help guide us in those types of inquiries.

25 Q Okay. So applying the terms of the memo, an allegation would come in.

1 The U.S. Attorney would evaluate whether or not it contained sufficiently clear and
2 apparently credible allegations, such that it could impact the outcome. And if he or she
3 did believe it met that threshold, that would launch some sort of investigative activity
4 that included the FBI?

5 A Sometimes that goes both ways. Oftentimes, we would take an
6 allegation -- and, as you well know, being a former prosecutor -- and convene and discuss
7 with the prosecutor, or in this case, it would have been very likely in the U.S. Attorney's
8 office the designated election crimes AUSA, and that's how that discussion would typically
9 take place.

10 Q All right. At its best, it's collaborative between the prosecutor and the
11 investigator?

12 A Yes.

13 Q Would the election integrity task forces that you described earlier that were
14 sort of stood up around the country also potentially have a role in that threshold decision
15 about whether or not there's sufficient evidence to launch investigative activity?

16 A [Nonverbal response.]

17 Q I didn't hear you, but you're nodding. I assume that's a yes?

18 A Yes. Yes, they would.

19 Q Okay. And, again, as these things -- we're going to talk about some
20 specifics, but as these things were based on the memo investigated, as a Deputy Director,
21 did a lot of that information flow up to you for your awareness and potential report to
22 the Director?

23 A I would say the large ones would flow up to me, the more significant ones,
24 yes.

25 Q Okay.

1 All right. Let's turn to the next exhibit. That's 32. And that is a specific
2 allegation that arose in Nevada. It looks like -- if you, again, go to the back of the email
3 chain on the document that's Bates stamped ending in 12, it looks like an internal
4 message within the U.S. Attorney's Office in Nevada that says, "[REDACTED]" these materials just
5 came in. Could you please share them with the FBI and the other members of the
6 Election Integrity Task Force, to make sure we investigate the allegations of voter fraud.
7 I've given the FBI SAC a heads-up. Thanks very much."

8 That ultimately makes its way, Mr. Bowdich, to you. Do you remember the
9 specific allegations of voter fraud in Nevada?

10 A I remember there were allegations of some voter fraud in Nevada. I do not
11 remember the specifics of that particular situation.

12 Q Okay. Did those allegations launch investigative work by the FBI?

13 A I don't remember in this particular case. I remember specifically having a
14 conversation with the SAC. I don't remember what was done and what was not done in
15 Nevada.

16 Q Okay. Do you remember whether or not that investigation -- if there was
17 an investigation, it led to -- it met that threshold within the AG's memo, whether or not it
18 was sufficiently clear and credible?

19 A I don't.

20 Q Just don't recall. Okay.

21 [REDACTED] I believe now Representative Aguilar, who's a member of the select
22 committee, has joined.

23 Representative Aguilar, welcome. And we will stop periodically to give members
24 of the select committee a chance to ask questions as well.

25 The Witness. Okay.

1

BY [REDACTED]

2

Q So this actually, Mr. Bowdich, was dated November 5th of 2020, so just a

3

couple of days after the election and before Attorney General Barr's memo was issued.

4

Is it fair to say this is one of the instances that the Attorney General references "I

5

had already authorized" in his memo?

6

A I don't know the answer. I wasn't -- I took no part in the crafting of that

7

memo, so I just don't know.

8

Q Okay.

9

All right. So no recollection of what the allegations were in Nevada and what

10

happened with respect to the investigation?

11

A As I sit here today, no. Again, I don't know what those allegations were.

12

Q I appreciate that. The next one.

13

A As I sit here today, I don't know what those allegations were. Again, back

14

then, I would have known at least more detail at some level about it.

15

Q You mentioned earlier, Mr. Bowdich, that you do recall some issues in

16

Georgia, and I want to turn your attention to those now. That's the next exhibit in your

17

binder, number 33.

18

Again, if you go to the very back of that email chain -- and the document is Bates

19

stamped ending in 03 -- it looks like it starts with an email from BJay Pak, who was the

20

U.S. Attorney in Atlanta, on December 4th, the date of the email, to some other Assistant

21

U.S. Attorneys and at least one recipient at the FBI. I'm assuming that's likely the FBI

22

special agent in charge in Atlanta, and there's a linked video. And the headline is "Fact

23

Check: Video from Georgia Does NOT Show Suitcases Filled With Ballots Suspiciously

24

Pulled Under A Table; Poll Watchers Were NOT Told To Leave."

25

And that is forwarded on up the chain and ultimately reaches you.

1 Do you remember the allegations of the suitcases in the State Farm Arena in
2 Georgia and the allegation that somehow they represented election fraud?

3 A I do.

4 Q Tell us what you remember about the allegation and then what the FBI did in
5 response to receipt of that information.

6 A Yeah. This is rough. It's been a while, and I've specifically not
7 re-researched these outside review of these documents.

8 What I do remember about this was there was a number of allegations out there
9 that people had brought in suitcases of what were believed to be ballots, and there was
10 video of this where they were supposedly placing these suitcases under a table, and then
11 they left.

12 As I recall, we did investigate this in a very limited manner, but we did. And what
13 we found out was there were a number of what they call cutters, and these are people
14 who would go into a vote tabulation station, they would cut the boxes, which were
15 sealed, and then the vote counters would tabulate the votes.

16 At some point -- this is my rough recollection -- there were people that came into
17 these -- these cutters came into this location. They cut a whole slew of boxes, and they
18 finished early. And my recollection is that whoever is the head of the vote tabulation
19 process, or someone in the leadership position, sent them home.

20 What I recall is there was a reporter who saw a bunch of people leave.
21 Somehow this is how the allegation -- or an allegation was made out of that. But we
22 were able to, from my, again, rough recollection, discount this as being any type of
23 election fraud.

24 Q I understand that. I appreciate that, and I understand it's rough. But I
25 want to go back over it a little bit.

1 It looks to us from the email exchange that when you, you, writ large, the Bureau,
2 received this information on December 4, and had already been investigated, to some
3 degree, by the Georgia Secretary of State, there's an email that says, "To put this linked
4 article in context, Gabe Sterling, the chief voting machines guy, is citing it as to what their
5 review had found."

6 So is it fair to say, Mr. Bowdich, that when you guys got this information, it had
7 already been evaluated by the Georgia Secretary of State?

8 A I don't know when exactly we engaged, so I don't know the sequencing and
9 the timeline to say yes or no. What I can tell you, through a number of these types of
10 allegations, is the FBI tried to stay in the background and talk to the State election
11 investigative arm to determine what they had done. We tried to very quietly conduct
12 some limited investigations of allegations like this, and that very well may be what has
13 happened here.

14 Q Why was that important for the Bureau to stay in the background, or to do
15 things quietly?

16 A So, fair question. The reason that we wanted to be as quiet as we could is
17 we never wanted to be used as a tool, and my tentacles were up for that. I never
18 wanted to be used as a political tool. And so, the quieter we could do our business, we
19 felt, the better. And I think, quite frankly, in general, we succeeded.

20 Q So the general approach of the FBI when it came to these investigations was
21 not to publicize or flag its involvement, but rather to do it quietly and in coordination with
22 the State officials?

23 A [No verbal response.]

24 Q Again, I didn't hear that.

25 A Yes, correct.

1 Q Okay. Now, this one in particular kicked off a little bit of a firestorm within
2 the Department of Justice.

3 Do you remember that?

4 A I do not.

5 Q All right. Well, let's turn then to the next exhibit in line, which is 34.

6 And if you go to the back of the email chain here, there's a long email from [REDACTED]
7 [REDACTED] who's the chief of PIN, of the Public Integrity Unit at the Criminal Division of
8 Justice, to some people in the FBI and other DOJ officials.

9 Do you recall the issue with respect to public integrity's opposition to your
10 involvement in this investigation?

11 A I do.

12 Q Tell us what you remember before we go through the email?

13 A I don't remember everything that occurred, but I have reviewed these
14 emails. I specifically remember this email. I remember being frustrated because I felt
15 like we were caught in the middle of it and wanted to get out of that. And so, my
16 regular point of contact was typically the PADAG, the principal assistant -- Principal
17 Associate Deputy Attorney General, other than the Deputy Attorney General, and for the
18 day to day, I would go back and forth with the PADAG constantly.

19 Rich Donoghue had occupied that seat for some time, and at some point he was
20 elevated when Attorney General -- that was actually -- I think Attorney General Barr --

21 Q After this, right. This was December the 7th.

22 A All right. So I talked to Rich on a regular basis, sometimes multiple times a
23 day, where we would work through issues together. And it's a very important
24 relationship for the FBI and the Department of Justice at that level to be able to work
25 through things as they would pop up.

1 Q Yeah. So looking at this email, the one from [REDACTED] it starts, "PIN
2 understands that the FBI proposes to interview certain individuals appearing in the video
3 depicting vote tabulation at State Farm Arena in Georgia as soon as this morning
4 (Monday)."

5 The last line of that paragraph says, "PIN does not concur in any overt
6 investigative activity, including the proposed interviews."

7 He explains, "Based on a review of the information provided by the FBI, including
8 a summary of the Secretary of State investigation, PIN concludes that the allegations here
9 do not fall within the scope of the Attorney General's Memorandum Regarding
10 Post-Voting Election Irregularity Inquiries, which created an exception to the DOJ Election
11 Non-Interference policy for substantial, clear, apparently credible, and non-speculative
12 allegations of voting and vote tabulation irregularities."

13 He explains a little further, "SOS," Secretary of State, "investigators have already
14 conducted recorded interviews of the individuals at issue and such interviews reportedly
15 revealed nothing to suggest nefarious activity with regard to the integrity of the election.
16 The FBI 'reinterviewing' those individuals at this point, and under the current
17 circumstances, risks great damage to the Department's reputation, including the possible
18 appearance of being motivated by partisan concerns."

19 So PIN is objecting, based on its assessment of the AG's memo, and a concern
20 about the appearance of being motivated by partisan concerns to the FBI's investigation.

21 Tell me, when you received that email, A, what your view was; and, B, what steps
22 you took?

23 A I reviewed it. My folks from CI -- counter -- criminal investigative division
24 brought that to me and discussed it. PIN was the regular interlocutor between our
25 public corruption unit, which was working this. And they do so on public corruption

1 cases. So it's a very important arm of DOJ for the FBI with election fraud and those
2 types of cases.

3 That said, they are a unit within big DOJ. This was brought to me. And I was
4 frustrated, quite frankly, because I felt like there was a little bit of conflicting guidance in
5 our mind, in my mind that should we have an opinion from PIN here. PIN doesn't
6 control whether we do or do not do it in this case. When you have the Attorney
7 General's memo, I understand their perspective here. So I sent an email over to Rich at
8 the time and voiced that frustration.

9 Q Yeah. That email is the next in line in your exhibit. You emailed Mr.
10 Donoghue 8:18 a.m. on December 7th. "This is putting us in a bad spot. We need to
11 get this PIN issued settled as to how to proceed. I feel like we're operating under an
12 antiquated thought process. Everyone understood that before the election, we should
13 not do these types of inquiries, but we are in a place right now in this election cycle in
14 which these types of allegations are important to vet out, particularly when many in the
15 country are still questioning the results. I'm no lawyer, but my interpretation of the
16 AG's memo is different from theirs. Let me know your thoughts on how to proceed.
17 Our folks in Atlanta are prepared to begin when they receive direction from me. I'm
18 forwarding this to our General Counsel for his analysis. DB."

19 So break that down for us, Mr. Bowdich. First of all, on the assessment as to
20 whether this met the threshold standard articulated in the AG's memo, what was your
21 view and how did it differ from [REDACTED] ?

22 A Well, again, I felt -- I'm no lawyer, and I made that clear in my email. But
23 I'm talking directly to a very experienced trial lawyer in Rich Donoghue. I'm also cc'ing
24 my general counsel, who is also a very experienced trial lawyer, from EDNY, [REDACTED],
25 who I had a lot of respect for.

1 And so I'm -- if they pull me back, then, okay, especially [REDACTED] in this case because
2 he is within my own organization, and he would not hesitate to say, Hey, bad idea.
3 [REDACTED] was cc'd on this email. I believe he and I discussed it. And I felt -- when I use the
4 word "antiquated" here, my frustration was this was an unbelievably contentious
5 election, and I felt it important that unless we are out of policy, for us to at least conduct
6 some very limited investigative steps made sound -- or made good sense, and I felt it was
7 a sound decision.

8 Q Uh-huh.

9 A But, again, had [REDACTED] come to me and said, Hey, bad idea -- and I'm not
10 putting this on [REDACTED] because this was me saying, Hey, I believe that this is important for
11 us to at least take limited steps quietly, talk to those election officials, that type of thing.

12 I also am in a chain of command organization, and I felt it important that we have
13 the Attorney General of the United States, who put out a memo, which I felt -- again, I'm
14 no lawyer, but I just felt it was important that we clarify this.

15 Q Now, [REDACTED] cites in his message the fact that the Georgia
16 Secretary of State had already done some kind of investigation and concluded there was
17 no merit.

18 Did that affect your calculus as to whether or not the FBI should or shouldn't be
19 involved?

20 A I think it certainly would weigh into a discussion that would have to be had
21 as far as are there deficiencies -- and this may have been had between myself and the
22 SAC. I don't recall. He and I talked a number of times. Are there deficiencies in the
23 interviews? There are a number of times in other interview processes -- in other
24 processes where we will review certain interviews and determine that, eh, there's more
25 information we need to find out here. I don't know if that was the case here, but it

1 could have been.

2 Q You mentioned in your message, Mr. Bowdich, "We're at a place right now in
3 this election cycle in which these types of allegations are important to vet out,
4 particularly when many in the country are still questioning the results."

5 It sounds like your view is given the ongoing discussion and controversy, it's more
6 important for the Bureau to have a role in vetting allegations. In other words, there's
7 more of an imperative to do so this given the public controversy than in another year
8 when there is less of one? Is that accurate?

9 A I think the landscape had changed slightly. I also think you had a different
10 memo that provided slightly different guidance that was provided to us in the past, which
11 is not unusual. Different administrations, different Attorney Generals, as you well know,
12 put out different memos. Some of them hold for many years and even decades, others
13 don't.

14 In this case I felt we were in a difficult situation. This was not a partisan move.
15 It would have been made regardless of who was making the allegations. I felt it
16 important for us to conduct some limited inquiry and limited investigative steps quietly.

17 Q Right. The prior policy, before Attorney General Barr's memo, was
18 effectively the FBI -- or investigations only occur after an election is concluded or
19 certified. Is that right? The Barr memo changed that and authorized earlier
20 investigations if they were of sufficient credibility that they might impact the outcome?

21 A I don't want to speculate, because I don't have that prior memo in front of
22 me. That sounds generally correct, but I don't know. I haven't read the prior memo
23 lately.

24 Q Okay. Understood.

25 So the last email in the chain here in exhibit 34 is Mr. Donoghue's response to

1 your question about, Hey, this is putting us in a bad spot, and just reading a couple of
2 passages from it, "Dave, thanks for forwarding. It is antiquated indeed."

3 So he starts by agreeing with you that PIN's position is antiquated.

4 About halfway down he says, "As I relayed last night, the AG told me last night
5 that the FBI should conduct some interviews relating to State Farm Arena allegations so
6 that we are not relying entirely on the work/assessments of non-Federal law enforcement
7 authorities."

8 A little bit later he says, "If we come to the same conclusion as the Georgia
9 Secretary of State, then that should give the public increased confidence in the election
10 results in Georgia. If we come to a different conclusion, then we will deal with that.
11 Either way, the AG made clear that he wants to be sure that we are actually doing our job
12 and not just standing on the sidelines."

13 He ends with, "We all have a chain of command for a reason," apologizes that you
14 and your team have been dragged into this internal DOJ contact.

15 It sounds to me like there has been a conversation between you and Mr.
16 Donoghue because he says, "As I relayed last night."

17 Do you recall talking to Mr. Donoghue about State Farm Arena and this broad
18 topic?

19 A Specifically about this, Rich and I had a whole host of conversations during
20 this time about many of these allegations. I don't specifically remember, as I sit here
21 today. I have no reason to dispute that. It's very likely, but I have -- do not have a
22 specific recollection of that particular call. But I'm sure it happened, yes. Yeah, we
23 talked multiple times a day, especially during this period, because there was so much
24 going on.

25 Q Yeah. He indicates his position, which sounds consistent with yours, Mr.

1 Bowdich, is that the FBI should conduct interviews so that you're not relying entirely on
2 the work and assessments of non-Federal law enforcement entities. So he is essentially
3 saying to you, Let's go ahead and do some investigative work so that we're not relying
4 entirely on the Georgia Secretary of State interviews.

5 Was that consistent with your intention and your view?

6 A Yes.

7 Q Okay. Did that happen, do you know, that the FBI actually did do some
8 interviews with respect to this?

9 A I don't specifically recall, as I sit here today, whether we actually conducted
10 interviews. I know they talked to the Secretary of State investigators. What I don't
11 know is -- and, again, something is ringing that there may be some additional questions
12 we needed to ask, but I'm not sure. So I don't want to speculate on this one.

13 Q Okay. Well, turn -- go ahead and turn to the next exhibit, number 35,
14 which they all were on the same day, December 7th. It looks like an email that you sent
15 to a number of recipients within the FBI -- I'm assuming one of them is the SAC in
16 Atlanta -- where you indicate, "I'm directing you to conduct logical interviews, as
17 appropriate, when you believe it will be helpful to determine the credibility of the
18 election/ballot fraud claims made in Fulton County, Georgia. It is important that the FBI
19 exercise due diligence by investigating these allegations as authorized by the Attorney
20 General."

21 So it looks like you directed, after getting clarity from Rich Donoghue about the
22 chain of command, that these interviews should, in fact, take place.

23 Does that help refresh your recollection, Mr. Bowdich, about whether or not the
24 FBI did do some investigative work on the State Farm Arena issue?

25 A It does. But, again, I can't say here, as I sit here today, that we actually did

1 that. I believe we did, but I just don't know for sure.

2 Q Yeah. I see.

3 A I would like to clarify, this particular email, I wrote this because our SACs, I
4 didn't want them to be in a position where they felt exposed. As the Deputy Director,
5 they reported directly to me, and I felt it was my job, if there was exposure, to provide
6 them some sort of assurance, particularly when you have a conflicting opinion from PIN.
7 That's why I did that. It wasn't that I suspected someday I may be answering questions
8 about it, of course. But that's why I sent him this particular email.

9 Q Yeah. I'm going to ask you about the last paragraph of the email because
10 you talked again about the intent and the Bureau being dragged into things. You said,
11 "Make no mistake, I'm constantly on guard for politics getting in the way of our business,
12 but we all have a chain of command for a reason. Please commence the logical
13 interviews as soon as possible so we can either determine this requires further
14 investigation, or put it into our rear-view mirror. I take it seriously when our field
15 offices...and the FBI in general... are put into a difficult spot, and any further conflicting
16 guidance should be pushed up to me."

17 Explain what you meant by that in terms of that direction to the FBI SAC in Atlanta
18 and others?

19 A I think what I meant there is not Pollyanna here. I see that you all are
20 concerned, or could be concerned with the appearance of political interference. There
21 was none, to my knowledge. I had none from anyone. And I wanted to let them know
22 that. The chain of command aspect I thought was important, and Rich made a similar
23 point. You can't just stick your hand up to the AG with -- to the AG's memos and
24 disregard it. That type of thing has gotten us into trouble in the past. We don't need
25 to go through history for that. But you have to abide by certain policies that have been

1 put out through the Department of Justice.

2 Q Yeah.

3 A The final thing here is if they did receive conflicting guidance, because, again,
4 this is the most contentious election I ever saw, certainly where I was in a role to see the
5 vast majority of a lot of what was going on, and I felt it was important for them to know
6 that I'll take whatever I need to take on this, bring it to me. I don't want you stuck in a
7 position in which you are not in a comfortable place.

1

2 [10:59 a.m.]

3

BY [REDACTED]

4

Q Yeah. I just want to ask you for your general thoughts on, "I'm constantly on guard for politics getting in the way of our business," particularly in the midst of a contentious election.

7

What were the sort of guiding principles that should govern the FBI's role in that? When you say out of politics more specifically as a matter of policy, what do you mean?

9

A I want to make sure -- look, I've been in that city a while, and I want to make sure that we're not used as a tool inappropriately. I have seen it where both the right and the left will try to pull us in their direction, and that is a very dangerous thing for the FBI. It's a very powerful organization, but that power could be misused if it's allowed to be.

14

There's all sorts of checks and balances that are in place. And I, not just around the election, but throughout my day to day, I was always on guard for that. I had a pretty good sniffer for that. Maybe I didn't see everything.

17

But, for example, when I'd go to the White House for the Deputies Committees, I'd go into the meeting, and I'd get out as quickly as I could. There was no good reason for me to be either not -- absent a briefing that I was providing or absent a Deputies Committee or a Principals Committee where I'd cover for the Director, I wanted to be in, I wanted to be out. I did not feel that the FBI should be pulled into a political situation.

22

Q So fair to say that the guiding principle is the FBI follows facts wherever they lead, not governed by any political motivation?

24

A Absolutely, regardless of who you're going to upset.

25

Q I want to turn -- let me just finish the line with respect to the State Farm

1 Arena.

2 We've developed evidence separately, Mr. Bowdich, that there were interviews
3 that were done jointly by FBI agents and Georgia Secretary of State investigators, kind of
4 joint interviews, that essentially proved that there was nothing nefarious or no actual
5 election fraud that occurred at that location. Is that consistent with your recollection
6 about the sort of ultimate outcome of that matter?

7 A Again, I directed that they do it. I can't say for a fact. I mean, that sounds
8 generally familiar, but I don't know for sure. I didn't ever see any report specifically.

9 I did have a number of discussions with the SAC. I had a number of discussions
10 with other SACs in and around this time. So I have no reason to doubt that that
11 occurred.

12 Q Yeah. All right.

13 Let me ask you about the last specific allegation on my list. That's the next
14 exhibit, No. 36. This is about a month later, early January now, January 7th, the last
15 email all the way at the back on a document that's Bates numbered O19.

16 It is an email to [REDACTED] at PIN from Bobby Christine, who at that time is
17 the Acting U.S. Attorney in Atlanta.

18 "Good evening, Bobby. Just checking to see if your decision to conclude the
19 Georgia shred inquiry carried the day."

20 Mr. Christine says: "I've briefed the DAG. I told him I own this issue, and the
21 matter is closed. No there there. He thanked me, said he's confident in my reasoning.

22 "Thank you both for your steadfast support and learned counsel. Please
23 continue to ensure I stay between the ditches."

24 This actually gets forwarded on up to you, and it's ultimately said: "FYSA
25 Shredgate is put to bed."

1 Tell me what, if anything, you remember about Shredgate and this specific
2 allegation that Mr. Christine is talking about.

3 A I vaguely remember this was -- again, these are rough facts. But as I recall,
4 there was an his, Homeland Security Investigative source who provided some information
5 about a truck that may have contained what he believed to be shredded ballots. This is
6 vaguely what I remember.

7 And I do remember that Rich and I had at least one or two discussions about this.
8 And I did have a discussion, at least one, probably more, with the SAC and asked them to
9 send someone down there to look at it.

10 Q Okay. Do you know whether that happened?

11 A Again, I don't know for sure. I don't have a recollection of that. I believe
12 it did, but I just don't know.

13 Q Okay.

14 A Either way, we washed it out.

15 Q Got it. When you say "washed out," meaning there was no credibility to
16 the allegation of election fraud.

17 A That's my recollection of it.

18 Q All right. And is it fair to say, Mr. Bowdich, that that was the general
19 conclusion of all of the investigations that the FBI -- in which the FBI was engaged over
20 the end of 2020 and very early days of 2021, a washout or disproving allegations of
21 serious patterns of voter fraud?

22 A With a caveat, yes, and two things I want to highlight there.

23 Again, the beauty here is we were able to wash these out and make it clear that
24 there was nothing here. If there had been, we would have followed it.

25 But there's a caveat here, that there were a few specific instances that I recall

1 where we had some ballots that were either destroyed or discarded, and three instances
2 that I specifically recall.

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2 Q Got you. Let me just run through a list here to see if you remember
3 anything about some of the other things that were reported or were in the news as
4 potentially -- potential irregularities.

5 Do you remember anything about Antrim County, Michigan, and voting machines
6 that may have mistabulated votes in Antrim County, Michigan?

7 A I remember an allegation of something up in Michigan. And I do
8 remember, I asked the -- I talked to the SAC up there, and he was talking to the head of
9 their homeland security department, I believe, who may have been talking to their
10 election. We were trying to get information about that. That's vaguely what I
11 remember about Michigan.

12 Q All right. So you don't remember anything being substantiated about that
13 or any allegation that would give reason to question the outcome in Michigan?

14 A I do not.

15 Q Okay. How about Pennsylvania? There was some allegation that there
16 were more voters than registrants in Pennsylvania. Do you recall that issue or the
17 Bureau doing anything to investigate that allegation?

18 A I do not recall that one specifically. I do not recall whether we did anything
19 on that one, vaguely. I have a vague recollection of that one.

20 Q Okay. There was also some allegation of foreign governments interfering
21 with Dominion voting machines via satellites or thermostats. Do you remember
22 whether the Bureau received that information and did anything to investigate those
23 claims?

24 A To my knowledge, we did not do anything to investigate those claims.

25 Q Okay. How about --

1 A That said, there was at one point a meeting where the Attorney General had
2 asked us to get a hold of CISA. CISA is the DOJ arm that works on the election -- I'm
3 sorry, DOJ -- DHS arm that works on the election infrastructure piece. They also work
4 cybercrimes, the infrastructure side. We work the attribution and investigation side.
5 So we work together a lot.

6 The Attorney General at the time wanted a briefing from them, and this is when
7 there was a lot of churn out there about these Dominion voting machines. And we
8 asked them to come over.

9 Now, keep in mind, this was in early January, as I recall. Keep in mind, you've got
10 multiple things going on, and they're swamped, both with these type of things, but also
11 you had an attack of SolarWinds, which was a massive cyber intrusion.

12 You also had the one-year anniversary of Soleimani's death on January 3rd which
13 we were laser focused on. You also had the Christmas bombing in Nashville where
14 downtown was bombed by a guy. And there were so many things going on. There
15 were also preparations for January 6th. There were so many things going on, everybody
16 was busy.

17 But we felt -- the Attorney General felt it important, understandably, from my
18 mind, to understand what could and could not be interfered with with these Dominion
19 machines. He requested a briefing, CISA came over and briefed him, and I believe they
20 satisfied his questions.

21 Q And we talked to [REDACTED] who was the head of CISA, and his successor.
22 Is it fair to say that their conclusion was that there was no possible way for the voting
23 machines to be affected by, tampered with by foreign governments or anyone else?

24 A So [REDACTED] was gone at that point. It was actually [REDACTED] who
25 went over to the Attorney General's office. The Director and myself, Rich, the Attorney

1 General, and possibly the DAG may have been there.

2 But your statement is correct. Based on what I heard, and I'm not -- I'm no
3 expert on infrastructure, but based on what I heard, it was clear to me that there was no
4 possibilities of the Dominion machines being used in the way it was saying they were
5 being used.

6 Q Understood. Were you familiar with any allegations made by a couple of
7 Italian prisoners about some kind of voter fraud or their involvement in voter fraud in the
8 United States?

9 A The thing to do with Italy generally sounds familiar. I don't remember
10 specifically. There were certain ones that I would hone in on, like is there something
11 here, and then there was other what I would consider to be noise out there.

12 Q Okay. So no recollection of or involvement in the Italian one, it sounds like.

13 A Not that I can recall.

14 Q All right. How about other allegations in Georgia, felons voting or dead
15 people voting or out-of-state voters? Do you recall those allegations and whether the
16 Bureau had any role in evaluating those claims?

17 A I do not recall honing in on any of those specifically, and I don't recall us
18 conducting any additional investigative steps. It doesn't mean it did not happen, but I
19 don't specifically recall it.

20 Q Understood. How about signature match anomalies in Fulton County,
21 Georgia? Any recollection of that or FBI involvement in that?

22 A I don't recall the FBI being involved in it. Again, if we were, I just don't
23 recall, but I don't think so.

24 Q All right. And then how about anything in New Mexico, allegations of
25 irregularities in the State of New Mexico?

1 A I remember vaguely hearing something but don't recall us being involved in
2 that one as well.

3 Q All right.

4 A When I'm saying I don't recall, that doesn't mean it did not occur. That's
5 saying I didn't -- I don't recall it at this point.

6 Q Yeah. I completely understand and appreciate your precision about that.

7 So, Mr. Bowdich, just to sum up, did any FBI investigations that you're aware of
8 produce credible evidence of voter fraud sufficient to change the outcome of the election
9 in any particular State?

10 A Did any of the investigations after limited quiet investigations produce any
11 evidence of substantial election fraud? Not that I recall.

12 Q Okay. You indicated that there were several instances of small-scale fraud
13 that would be true in any election but nothing substantial enough to change confidence
14 in the outcome in any State. Is that right?

15 A Not that I saw.

16 Q Okay. Attorney General Barr a couple of times said publicly: We have
17 found no evidence of widespread systematic voter fraud sufficient to undermine
18 confidence in the election. He said that on December the 2nd. He said that again at a
19 press conference December -- I think it was 21st or 23rd, just before he resigned.
20 Conclusively told America that they, the Attorney -- the Department of Justice, including
21 the FBI, had found no evidence of widespread systematic voter fraud.

22 Do you agree with that and would believe that that's true today?

23 A I do agree with it.

24 Q And did that ever change in the days after Attorney General Barr's
25 resignation before the end of the administration?

1 A Did not.

2 Q And has it changed even to this day?

3 A Not to my knowledge. But, again, I've been out of the government since
4 February.

5 [REDACTED] All right. Let me stop there and see if anyone else.

6 Mr. Aguilar, let's start with you. Do you have any questions at all for
7 Mr. Bowdich?

8 Mr. Aguilar. I don't, [REDACTED] No.

9 [REDACTED] Okay.

10 [REDACTED] how about you?

11 BY [REDACTED]

12 Q Yes. I just have a question about some of the meetings that were occurring
13 prior to the actual election in November 2020.

14 Did you attend any meetings at the White House with CISA concerning election
15 security? This would be in the time period from June until November?

16 A So I know we had some -- a Deputies Committee meeting that [REDACTED]
17 would have recollected, because he was on, where we talked about this. But I think it
18 was way before June. And there seemed to be -- well, I don't specifically recall if there
19 were any Deputies Committee meetings on this topic after June. I don't recall that.

20 Q Not on this topic but just generally election security going into the
21 November election. Were there a number of briefings that were held where it seemed
22 that everybody was confident in the security of the election?

23 A After June?

24 Q From that time period, from June going into November.

25 A I don't recall the dates of those. I don't recall attending one. That doesn't

1 mean I didn't. I attended a lot of Deputies Committee meetings. I just don't
2 remember on -- specifically on after June, but I have to caveat it with I have to see my
3 calendar.

4 Q Okay.

5

BY [REDACTED]

6 Q All right. Just another couple of quick points before I turn it over to
7 [REDACTED] to talk about January 6th.

8 There was some discussion at the very end of the Trump administration,
9 Mr. Bowdich, about potential leadership change at the FBI.

10 Were you involved in any way in discussions about the President's dissatisfaction
11 with FBI leadership and the possibility of personnel change?

12 A I have learned since then that I was on that list of leadership potential
13 changes.

14 No, I was not part of any discussions about that. I learned later I was on that
15 chopping block, so to speak.

16 Q Yeah. We have seen those same reports. And I'm just wondering if you
17 had any insight at the time that you were somehow on a list or the President or others in
18 the White House were contemplating replacing you or other leaders at the Bureau.

19 A When I learned of it I don't recall, and I don't even recall how I learned of it,
20 but I did learn of it.

21 Q All right. Do you remember any discussion about any particular people that
22 would come in as new leaders of the FBI, either as the Director or the Deputy Director?

23 A I've learned since then that they wanted to replace me with an individual
24 named Kash Patel. And the Director, I heard a couple -- I heard at one point -- I don't
25 recall the Director because I don't want to speculate here.

1 Q Yeah. No, I appreciate that. And it sounds like you're saying you only
2 learned of these discussions or the potential of your and Director Wray's replacement
3 after you left the Bureau. Is that right?

4 A I don't recall if that's the case or not.

5 Q You're fading again, Mr. Bowdich. I'm sorry. You've got to lean forward.

6 A I don't recall exactly when I learned of it. But there was always Washington
7 talk. I didn't pay too much attention to it because, quite frankly, I couldn't keep up with
8 it.

9 Q Yeah.

10 A But certainly I honed in when I heard that I was on the chopping block, so --

11 Q Yeah.

12 A I don't recall when I learned of that, and it had nothing to do with my
13 decision to ultimately retire.

14 Q I see. Were you aware at any time when you were serving as Deputy
15 Director that somehow you or others in the leadership of the Bureau somehow were -- or
16 had a bad relationship or were disfavored by President Trump or people at the White
17 House?

18 A Well, I think it was pretty clear that the FBI Director was not on the
19 President's highest list. I had briefed him a few times, and he was always very nice to
20 me. But, no, I didn't. I mean, that doesn't mean anything to me, so no.

21 I don't recall when I became aware, but it was pretty clear to us that the Director
22 was not high on his list. I didn't realize I was there until whenever I found out about it.

23 Q Yeah. And how, if at all, did that affect your or Director Wray's approach to
24 carrying out your official responsibilities?

25 A I don't believe it affected our approach at all. We were going to conduct

1 and find the facts wherever they would lead us to.

2 Now, we didn't stick our head up very often either, for obvious reasons.

3 Q So, yeah, of course. And it sounds like from what you said before about
4 staying out of politics, your approach, we're going to do what's right and what's
5 appropriate regardless of whether or not the President or anyone else is happy or
6 unhappy, I'm paraphrasing, but is that accurate?

7 You've got to answer. I can't hear you.

8 A That's correct.

9 Q Okay. Were you aware of any potential change in leadership at the
10 Department of Justice at the very end of the administration in late December, early
11 January at the time?

12 A Change of leadership, no. Discussions of change of leadership, potentially
13 yes.

14 Q Yeah. Tell me what you recall about the prospect of Director -- or of Acting
15 Attorney General Rosen, for example, being replaced. Not what you've read since but
16 what you knew at the time.

17 A What I recall about that is during that time there was a lot going on that first
18 week of January. And I was calling Rich, and Rich was swamped, and that was unlike
19 him. Because Rich and I had such a good relationship, we'd go back and forth with
20 information often. And he was swamped, I was swamped, but I couldn't get a hold of
21 him.

22 And at one point I remember him mentioning the situation with Jeffrey Clark. I,
23 of course, did not tell anyone. If I did, it would have been the Director only. That
24 surprised me.

25 Q Okay. Did that in any way affect your carrying out of your responsibilities

1 as Deputy Director or any FBI activity?

2 A No.

3 Q And all you know about it, Mr. Bowdich, came from what Mr. Donoghue
4 relayed to you? Did you have any separate conversations or personal knowledge of the
5 possible personnel change at Justice?

6 A I did not. I did not talk to the White House other than on the Deputies
7 Committee meetings. And I preferred it that way, quite frankly, regardless of who's in
8 the office.

9 It's not my job to be running around there trying to make friends. It's my job to
10 attend Deputies meetings when necessary to brief the President or any of the other
11 individuals, brief them, provide them facts, operations, operational facts, as necessary.

12 But, no, I did not -- I didn't even know who Jeffrey Clark was, and I spent -- I was at
13 DOJ three times a week, at least, on average.

14 Q Got it.

15 A When his name was brought up to me, I had to ask who he was.

16 Q Understood.

17 All right. That's all I have. Let me see if [REDACTED] has anything, anybody else in
18 the room.

19 Mr. Aguilar, again, any questions for you?

20 He might have dropped off.

21 No. There you are. No.

22 Okay. All right.

23 A Could I just come back? Because I didn't answer holistically your question.
24 You asked me would it or did it change my approach to the job in any way, and the
25 answer is unequivocally absolutely not.

1 [REDACTED] Appreciate that. Thank you, Mr. Bowdich.

2 All right. Well, I don't have anything else. Are you good to keep going? Do
3 you want to take 5 minutes? We're going to move into --

4 Mr. Bowdich. Do I have time to use the restroom?

5 [REDACTED] Absolutely. We'll do that. We'll go off the record for 5 minutes.

6

7 [Recess.]

8

BY [REDACTED]

9 Q So we're going to shift gears and talk a little bit about the preparations for
10 January 6th and the day of.

11 I wanted to start with, if you could, just try to walk us through how this collection
12 of data and information happens within the Bureau.

13 Obviously, there have been a number of reports about some social media
14 postings, open source materials that were available that gave the -- gives the impression
15 that there was a number of warnings in plain sight, and yet, there was not any threat
16 assessment issued by the Bureau. So I wanted to start with that and unpack that from
17 the beginning.

18 So before I do that, I just want to go through some housekeeping. So the
19 exhibits that are premarked, you should have. And then, hopefully, you have also a hard
20 copy of reading room materials that we premarked and went through with counsel. So I
21 just wanted to make sure you have both of those materials in front of you before we
22 begin.

23 A I have two binders, yes. I think I have everything. If you'll give me the
24 Bates numbers, that's how -- or the tab numbers, I'll go through them.

25 Q Okay. Great. So some are tabs and some are Bates numbers, but we'll

1 walk through it.

2 So why don't we just start with, Mr. Bowdich, how we've learned that there were
3 a number of tips that were received by the Bureau regarding January 6th.

4 But before we start with January 6th specifically, if you could just explain to us
5 how a field office receives information about a particular event, whether it's processing
6 tips or processing threats, and I'd like to start with tips received.

7 A Okay. So in this case we worked -- as we prepared, we worked this off the
8 Joint Terrorism Task Force out of our [REDACTED] Field Office in conjunction with our
9 crisis management groups, which would include everything from our SWAT teams to our
10 Evidence Response Teams should there be violations of Federal law, et cetera. Our
11 Special Agent Bomb Techs, they would be on standby for something like this. As it
12 turned out, I believe all three were needed, certainly two of the three.

13 But in this case, back to your original question. So Joint Terrorism Task Force
14 would intake information and intelligence through a number of portals.

15 One would be source information, so confidential human source information.

16 Two would be social media exploitation, and that could be someone making a
17 specific threat.

18 Three -- and as you know, if you look at social media, there's a lot of talking out
19 there. So we don't just open up every -- everyone who says something that sounds
20 bombastic because we don't have enough predication to open someone.

21 Three would be we would look at all our predicated subjects. Predicated means
22 we have an active, open investigation on them.

23 In this case, we were looking at all our domestic terrorism subjects about which
24 we had open investigations who could be involved or planning to involve themselves in an
25 event like this.

1 Four would be we would rely on any sensitive information to come in through
2 Title IIIs, wiretaps or potentially overseas intercepts from the intel community. Less
3 likely in a domestic terrorism sense than you would see in an international terrorism
4 sense.

5 And then the last one that I can think of right offhand would be your tips and leads
6 that we receive from the public and from the community.

7 And those, the way that works, just to give you a sense of that, the intake portal is
8 out at our Criminal Justice Information Division, CJIS. It's out in West Virginia.

9 CJIS has what they call a tips and leads side, and they intake, my recollection in the
10 last couple years, about a million and a half -- about 1.5 million tips and leads every year.

11 Now, those leads come in various forms. They come through calls where the
12 public is calling in. They come through what we call E-Tips, which is where someone
13 would screen shot someone -- something that someone said, and they'd send it into the
14 FBI, and they filled out what we call an E-Tip. Or it may be just someone who says, hey,
15 my neighbor's, you know, whatever.

16 And many of these -- so the folks there, there's a process at CJIS where there's an
17 intake for all this data. And there are a number of them who are nuisance callers who
18 have mental health issues, and so they call over and over and over again. There's a
19 number of them who will call with -- I've been out there and listened to calls where they'll
20 call with: I think someone's breaking into my house. Well, that's not for us. That
21 needs to be pushed immediately to the State and local law enforcement.

22 So there's those types of things in addition to actual golden nuggets that we have
23 to sift through to find the real tips and leads that are meant for -- or that are something
24 that we, the FBI, has Federal jurisdiction over and are a potential violation of Federal law.

25 That's how the intake process works, and that's where all that intelligence would

1 come in.

2 Once it's into -- and I may be going too far afield of your question. If I am, I'll
3 stop and just let you be more surgical.

4 Q Yeah. Maybe we should stop right there. I appreciate you going through
5 those five buckets of sources of intel.

6 I just want to start with the tips and leads. And just really basic, we're going
7 to -- I'm going to exploit your knowing the guts of this organization. But understand
8 how a tip would come in, in the sense of I understand it gets to CJIS, but what steps are
9 taken.

10 So if you're just an analyst in, like, Lincoln, Nebraska, and someone calls and says
11 my cousin's going to go to January 6th and storm the Capitol, how is that uploaded and
12 then disseminated?

13 A So if you're a caller in Lincoln and you call Lincoln, Nebraska, you're actually
14 not calling Lincoln, Nebraska. You're calling West Virginia. It's a centralized calling
15 center.

16 When you say, however, you're from Lincoln, Nebraska, and I have information,
17 and I want someone to come talk to me, if the information is indicative of a Federal
18 criminal -- potential Federal criminal violation, and there's enough specificity to it to
19 where we would actually engage, then it's put into what's called a Guardian.

20 And a Guardian is essentially a lead, and it will talk about the information we have,
21 the specifics we have. And then that Guardian would be pushed to the RA or the
22 satellite office that would cover Lincoln, Nebraska.

23 Lincoln, Nebraska, would then potentially send -- they would be assigned to
24 review and potentially action that Guardian. And then they would actually go out, if
25 necessary and if warranted, and interview the person who called in, using either an FBI

1 agent or two or an FBI agent and what we call a TFO, a Task Force Officer, who is assigned
2 to the Joint Terrorism Task Force.

3 Q Okay. Let me just stop you there, then.

4 So before it's entered into the Guardian system is there a threshold requirement
5 that you described of specificity, or are all tips uploaded to the Guardian system?

6 A No. We couldn't handle all the tips. There's too many. And, again, once
7 you sift out the nuisance callers and those that are not Federal jurisdiction necessarily, or
8 those that require immediate response, once you sift all those out, there's still a lot.
9 And some of those are a judgment call as to should this be placed into a Guardian.

10 Now, the judgment call is made based on a number of factors, and that factor
11 could be anything from what's the specificity applied to this, to does this sound like it's
12 even plausible, to, hey, there's a date, they're saying they're going on X date. There
13 could be a number of factors that apply.

14 And, again, I've been gone now for 10 months. So I would say for a more surgical
15 briefing, or a comprehensive briefing, rather, from, I would recommend and refer you
16 back to the FBI through CJIS. And they could walk you through exactly what that
17 process looks like.

18 Q That's helpful. Thank you.

19 So that kind of judgment call, is there just one person who receives that call
20 making that judgment, or is it -- is there a supervisor review of the judgment call?

21 A It's a good question, and the answer is, there is a supervisor review. And
22 sometimes those leads are determined to be of no lead value, but there's almost a
23 default depending on -- I don't want to say that.

24 If there is indication of potential violence, there is typically a lean towards
25 inserting information into a Guardian and getting it out to the field office and having

1 them take a look at it.

2 Q And then you mentioned JTTF. So what's their role in this? Are they
3 always involved in terms of assessing the tips, or did you just mention JTTF as it related to
4 January 6th?

5 A So I mentioned the JTTF as it related to the 6th. But the tips, we actually, a
6 few years ago, pushed Guardians to the Criminal Investigative Division, because they had
7 been operating off an old lead system. We now have them using the Guardian system
8 as well.

9 And so you have not only the Counterterrorism Division, but you also have the
10 Criminal Investigative Division. Many of these tips that will come in, there's a judgment
11 call as to: Where does this go? Does this go to the JTTF? Does this go to the CID
12 entity in the field?

13 Regardless, if it's placed in a Guardian, it goes to the field and there's an
14 assessment there by either a JTTF supervisor and/or his or her people or a criminal
15 investigative supervisor.

16 Q And then that supervisor assigns which division it goes to, whether it's
17 counterintelligence or counterterrorism?

18 A Yeah. I don't -- I'm not -- again, I'd have to refer you back to the FBI. But
19 who actually makes that decision? It's usually pretty clear whether there's any CT nexus
20 or whether this is more of a hey, this is an alleged extortion, alleged fraud, that type of
21 thing. It's pretty clear, typically.

22 [REDACTED] I just want to welcome Representative Aguilar back to the
23 interview.

24

BY [REDACTED]

25 Q So once it's in the -- does everything that's entered into the Guardian

1 system, is it also uploaded into CJIS? Is it the same system? Or what's the differences?

2 A Well, once it's entered into the Guardian system, the JTTFs have access to it.
3 And so they can go in and review that.

4 Now, the Guardian system is classified. There's also what's called an eGuardian
5 system. eGuardian is unclassified. And that's for our State and local counterparts who
6 do not have top secret clearance where if they see information and they want to enter it,
7 they can enter it through the eGuardian system, and it will then be pulled into the
8 Guardian for review.

9 The fusion centers also conduct these types of activities, and there's regional
10 fusion centers throughout the country.

11 Q And -- go ahead.

12 A I'm sorry. Go ahead.

13 Q And then what's the Sentinel system?

14 A The Sentinel is our case management system. This is a system that we built
15 back in about '11, 2011 and 2012. It is a very good case management system that was
16 built to replace a very antiquated system, and it's been successful in many regards.
17 There's been modifications made over the years.

18 But you have tens of thousands of cases in the FBI. So we needed a centralized
19 system where you can push and pull that information between the field offices as
20 necessary, because without that it was very challenging.

21 Q So is everything that's in the eGuardian system and the Guardian system in
22 the Sentinel system, or is there a distinction that the Sentinel system only covers open
23 cases?

24 A The Sentinel system has open cases. I think, just to be sure, I'm going
25 to refer you to the FBI to answer that question.

1 Q Okay. Fair enough.

2 So just getting back to the tips, once it's uploaded -- and let's just use January 6th
3 as an example -- is it pushed to JTTF, or is it pushed to the field office that would have
4 been responsible? Or who would have been responsible I assume would have been
5 WFO. Is that fair?

6 A WFO is the responsible field office for anything in their what we call an AOR,
7 area of responsibility, which would include January the 6th. So they would be the lead
8 field entity, the primary field entity that would handle that investigation or that event.

9 Q Would any of the tips regarding January 6th go to a particular unit at WFO?

10 A Well, yes. What we do is we can -- you've heard the term lately tagging.
11 We can tag things.

12 So essentially when you have a significant case or a significant event or a
13 significant upcoming concern or even present concern, we can do -- remember, we're
14 taking in so many leads, and we have so many cases, there's so much data, we oftentimes
15 have to tag something.

16 And what that would be is you essentially create a bucket or a repository for
17 information that should go into a January 6th repository or tag.

18 And it would be tagged if it was someone who called in and said, hey, my uncle's
19 going to go to Washington, D.C., and he's talking about violence and something like that.

20 That would be drafted, it would be tagged, and it would be available to the JTTFs
21 throughout the country. If you're in the Washington Field Office you would be looking
22 specifically at that tag as you're preparing for this particular event.

23 Q And I want to talk about the tag that was created for January 6th in a
24 minute. I just want to make sure I understand the system before we do so.

25 So just getting back to that judgment call that's made before a tip is uploaded into

1 the Guardian system, I want to walk through just kind of the same process when it comes
2 to open source monitoring as the other kind of bucket of intel that was received and how
3 that happens. So whether there was a tasking related to January 6th to look at open
4 source monitoring, or was it -- were there any limitations?

5 A Of open source social media exploitation?

6 Q Yes.

7 A Was there a specific tasking? I don't recall if there was about January 6th.
8 I would -- I don't want to guess what occurred in the field, inside the field office. But,
9 yes, they would as a matter of course typically be monitoring social media for an event
10 like this.

11 Q And are there limitations on the monitoring of an event? So, for example,
12 we know that WFO had information about TheDonald.win, which is a website. What
13 they see from the open source, is that also uploaded into the Guardian system?

14 A I think on this I should probably refer you back to the FBI just because you're
15 getting close to -- it gets very detailed very quickly, and I don't want to be incorrect here,
16 I've been away from it for a while now. I just think it's best if they provide you a more
17 detailed, thorough briefing about that.

18 Q I appreciate that.

19 Why don't we -- if we could talk a little bit, then, about the tag.

20 Are you familiar with the tag that was created for January 6th, the CERTUNREST
21 tag?

22 And I can refer you to the reading room materials. This would be the first exhibit
23 of the DOJ planning, coordination, and response to the U.S. Capitol breach.

24 A So it's not tab 1, then?

25 Q This would be 871.

1 A Oh. You're going to the Bates number.

2 Q The Bates number. Sorry.

3 A Okay. Okay.

4 A Okay. Got it.

5 Q If you just want to take a minute and look at that first page. It talks about
6 some of the steps that the Domestic Terrorism Operations Section took. Can you just
7 explain where the -- is it DTOS, where that sits, and how that relates to WFO and JTTF?

8 A Sure. So the DTOS would be the Domestic Terrorism Operations Section.
9 That would be one section under an entire division. The division is the Counterterrorism
10 Division. DTOS is specifically focused on domestic terrorism. It's called the Domestic
11 Terrorism Operations Section.

12 A That is essentially -- that section serves as a program management arm for
13 domestic terrorism operations. And, essentially, there -- this is where you have that
14 push and pull of your forward-deployed assets out in the field, the 56 field offices, and
15 the legats and the RA -- or the legats throughout the world.

16 A And then you have what we probably affectionately called the mother ship, which
17 would be headquarters, as you do in many organizations, you have that headquarters
18 element.

19 A They serve as a program management arm, they provide directions, strategic
20 guidance, they come up with national strategies, in addition to helping and supporting
21 the field on the day-to-day investigations that they will conduct. They provide funding.
22 They provide guidance. They make sure that connections are being made if somehow
23 they are missed in a global organization such as the FBI.

24 Q Okay. I want to go back to, again, kind of the different buckets of intel that
25 were coming in. And you mentioned -- and, again, if you want to look and see, if you

1 look at bullet point 4 there, that January 4th there was an awareness of the subjects that
2 were traveling to the Washington area. And there's a couple of emails where you are in
3 touch with the ADIC from WFO, Steve -- I don't know how to -- D'Antuono?

4 A D'Antuono.

5 Q D'Antuono, concerning these subjects. And I think that would fit -- this is
6 what you talk about as the predicated subjects. Is that right?

7 A That's correct.

8 Q And can you just explain what the steps were in terms of why was that
9 important for that to be some sort of intel source going into the 6th?

10 A So where we have an open investigation on what we called a predicated
11 subject we always wanted to search and analyze and do whatever we could to determine
12 if there is organized behavior.

13 So when I'm -- when we're talking about travelers, this was something I was
14 always focused on. Any time you had an incident, particularly here -- not here, in
15 D.C. -- is do we have people traveling into the -- to the region who have malicious intent
16 or criminal intent?

17 Not peaceful protesters. That is not what I'm talking about. I'm talking about
18 people who have made it clear that they have violent intent. And if there were a
19 predicated subject, I wanted to know, who are they, where are they coming from, what
20 are we doing about them? Are we approaching them? Are we surveilling? What do
21 we know about them? Are we canvassing sources around them? Do we have a
22 wiretap investigation on that predicated subject?

23 Those are the types of questions that I would ask to try to determine -- and I didn't
24 get in the weeds on every case, of course, I didn't have time -- but to try to determine,
25 what do we know about this guy from you name the State who says he's going to do X?

1 Q So who was responsible for identifying who those travelers were?

2 A That would be the Joint Terrorism Task Force.

3 Now, that was done typically in conjunction with the program management arm,
4 which would be from DTOS, to try to determine, are there connections and are there
5 travelers coming into the region?

6 But the Joint Terrorism Task Force people have access, again, to all that
7 information, and that would be -- and that should all be going to WFO.

8 If Phoenix has someone who says he's going to travel, and he's indicating violent
9 intent or he's indicating he's going to conduct certain things and it looks serious and
10 plausible, then Phoenix and WFO should be talking about that. When I say WFO, I mean
11 Washington Field Office.

12 Q Sure.

13 A That's the office for that region.

14 Q Got it.

15 If you turn to tab 5, this is not a Bates stamped exhibit, but No. 5 in the binder.
16 This is a December 30th email on the travelers from Steve D'Antuono which states: "I
17 spoke on the topic" -- "spoke a few minutes ago on the topic of known subject travelers.
18 He" -- I believe he's referring to you -- "has a call scheduled with CTD/DTOS I think
19 tomorrow and will urge DTOS to message all DT ASACs across the FBI to ascertain their
20 subjects' intent to travel to D.C. for possible disruption ahead of travel and for WFO's
21 awareness ahead of time."

22 A I'm sorry. Can you tell me where? I'm not finding it. It's 5, you said?

23 Q Exhibit 5. This is in the binder. The same exhibits that Tim went through.
24 So it's that binder. It's a December 30th, 5:11 p.m. email.

25 A So my December 5. He's December 31st.

1 Mr. Harrison. Sorry. It's Todd Harrison.

2 He's looking at tab 5. But you're not talking about tab 5, correct, 

3  I'm talking about exhibit 5.

4 Mr. Harrison. It's tab 5.

5  It should be tab 5.

1

2

BY [REDACTED]

3

Q Do you have that?

4

A Is it an email from Matt Alcock and it says [inaudible]?

5

Q Exactly.

6

A Okay. Which paragraph are you in?

7

Q The full paragraph. "Boss and I spoke a few minutes ago on the topic."

8

Mr. Harrison. Very top. Very top.

9

BY [REDACTED]

10

Q The very top. "He has a call scheduled with CTD/DTOS I think

11

tomorrow" -- do you see that? -- "and will urge DTOS to message all DT ASACs across

12

the FBI to ascertain their subjects' intent to travel."

13

Do you see that?

14

A I do not. We're both looking at it, and neither one of us are seeing it.

15

We're seeing -- I have a three-page email. The first page is Matt, it says, "Good

16

copy -- thanks," at the top. Then it goes -- there's two paragraphs of text. The next

17

page is heavily redacted for the first half. Then it goes into "good afternoon," and it's a

18

long email.

19

Q Oh, sorry. Maybe it's -- let me just --

20

A Okay. I'm on -- you're right. It's No. 4.

21

Q Okay. So maybe -- this will be Bates stamps 43 through -- 43-44 on the

22

bottom.

23

A Yes. Yeah. That's it.

24

Mr. Harrison. No. 4.

25

Mr. Bowdich. It's No. 4 for me.

1

BY [REDACTED]

2

Q Okay. So -- okay. I'll refer to them by Bates stamps as well.

3

4

So this email, now that you get a second to look at it, it looks like the message to the ASACs about these subject travelers went out tomorrow -- tomorrow would be

5

December 31st?

6

A Okay. I see that.

7

Q Do you have any recollection of whether that push came from you to

8

identify who the travelers were?

9

A It very well may have. I don't know the answer as I sit here today. And

10

when I look below that, the ADIC is pulsing one of his probably -- he's pulsing one of his

11

people to say: Are there any indications of travelers? This is something the Deputy

12

asks me usually.

13

I don't know if -- I had a number of discussions around this time. It was an

14

incredibly busy time. I don't know if that was me that is redacted there.

15

Q Okay. I want to just get a sense of, if that push out happened on December

16

31st, just based on your experience, how long does it take to identify who those travelers

17

would be?

18

So we're talking about a very busy time, holidays, 5 days before the event. So if

19

that email went out the 31st, what would be the turnaround time to identify the number

20

of travelers who intended to come to D.C.?

21

A If it was urgent, it could be very quickly done.

22

Q And then what would be the next step? Once they're identified, what was

23

the expectation that any ASAC in a field office would do once a person is identified?

24

A Well, once they reported back to WFO, there would be some sort of a

25

discussion. Typically, I'm saying, and I don't know what happened in each one of these

1 cases.

2 Typically, there would be a discussion about, all right, I've got John Doe in Seattle
3 who is saying this. What do you know about John Doe? What do we have? What's
4 our coverage on him? In other words, do we have source coverage into him? Do we
5 have a Title III on him? Do we have surveillance on him? Those types of things.

6 Depending on that answer, you're going to make a judgment call as to -- or it may
7 be headquarters making a judgment call or even WFO saying, hey, I'd like to have him
8 surveilled.

9 Typically, in this case, it would be oftentimes headquarters saying to Seattle, we'd
10 like you to put 24/7 surveillance on this guy if he rose to that level of concern and if we
11 did not have adequate coverage on him.

12 Q But those were -- those would be steps you would typically take once you
13 identified a traveler?

14 A Potentially. Now, the other step that we took in this case, in a number of
15 cases, was we went out and approached a number of these predicated subjects.

16 And that approach did not have a script. It was just more either you send an
17 agent or two or an agent and a detective, a Task Force Officer, TFO, from the JTTF. You
18 send them out to talk to the person and find out, hey, what's your intent, or potentially
19 make it known to them that violence of any type would not be tolerated.

20 And that was done. I don't know the number of people we did it, as I sit here
21 today. I knew back then. I just don't recall. But there were a number of subjects
22 that we did approach in this investigation, is my recollection, or in this -- prior to this
23 event. That's my recollection.

24 Q Okay. And I'm familiar with the testimony of Jill Sanborn, who testified
25 before the Senate, who did indicate exactly what you said, that there were a number of

1 conversations that were had to discourage these travelers from coming to the D.C. area.
2 I believe, and I could check, she said that number is 18.

3 So here is the basis of my question. So the number was less than 20. And I'm
4 wondering, if you put out this message on December 31st to ASACs nationwide, is that
5 the number that was received, or was there a process that occurred that said only these
6 18 matter? If that's a confusion -- sorry, if that's confusing.

7 A Can you repeat that one?

8 Q Sure. So Jill Sanborn said there was a number, let's say that it was 20, it
9 was not more than 20, who they identified as travelers, and they made steps to talk to
10 those people, talk them out of coming to D.C.

11 So if this was pushed out on December 31st, that gives essentially, like, 4 days for
12 the Bureau to talk to these people, to tell them not to come.

13 I'm wondering whether there was a larger number that was initially identified
14 after this message was first pushed out on December 31st.

15 A That was identified that we wanted to or did interdict or --

16 Q Correct.

17 A -- or just have a discussion with?

18 As I sit here today, I don't recall the number. I knew I would get briefed in the
19 morning by Jill and others about what we're doing, and I would ask penetrative -- or
20 probative questions, rather. And back then I would have known the number and where
21 each one was. I don't recall at this point.

22 Q It just seems that if this went nationwide that 18 seems like a low number
23 for predicated domestic terrorism subjects, or is it only 18 who expressed an intent to go
24 to D.C.? That's kind of my question. Why -- what's the basis of the number?

25 A So, yeah. There was many more than 18 cases, predicated subjects out

1 there. No doubt about that.

2 What I would say, not having all the facts of each one in front of me again, is there
3 were probably 18 that we had concerns with that were actual predicated subjects at that
4 time, if that's the number Jill provided.

5 That would be my guess here. But, again, I don't have all the details in front of
6 me of that. But, yeah, there was a lot more active, open investigations at that time than
7 18, if that clarifies that point.

8 Q So not every DT case was approached to discuss, are you coming to D.C.?

9 A No.

10 Q Correct?

11 A Absolutely not. That's correct.

12 Q Okay. Of those who did travel, I know you mentioned that sometimes you
13 put surveillance. Do you know as you sit here today whether there were any additional
14 steps taken in terms of surveillance teams put on the folks who did say they're still
15 coming to D.C.?

16 A It runs together for me. So, no, I believe we did, but I don't recall
17 specifically, on this specific event, if we did. I would be speculating to say yes at this
18 point.

19 Remember, we had a number of events in D.C. in and around this time that we
20 had concerns with. And I want to say yes, but I don't know the answer as I sit here
21 today.

22 Q Okay. Well, we'll follow up with Megan.

23 Is this typically information that's shared with law enforcement partners,
24 particularly in the D.C. region, to say the Bureau's identified the following folks as coming
25 in?

1 A Yes. Through the JTTFs, that would be shared. They would have access.
2 All the law enforcement partners would have access to that information, and it would
3 typically be briefed in the command post briefing.

4 So, for example, let me give you an example of a hypothetical, and that's what this
5 is. If they were briefing at the 2 o'clock briefing for an event and we had concerns with
6 someone and were surveilling him, it would be, hey, the surveillance team has this
7 subject under surveillance. He's currently in Arkansas. He's headed our way.

8 That would be something that would very likely have been briefed, I can't say
9 every time, but it would likely have been briefed to the JTTF.

1

2 [12:10 p.m.]

3

BY [REDACTED]

4

Q And the identities and how it would -- what would be shared about them?

5

6 A I think that's -- I think it's going to vary, based on as far as are all the details
7 going to be shared with every person, no, but they should all have access to know who's
8 coming, who's under surveillance, who are we very concerned with, if we knew about
9 them, if they were predicated subjects.

9

Q And do you remember, as you sit here, were any of those subject travelers
10 associated with the Proud Boys or Oath Keepers or any of the -- some of the DT groups?

11

A As I sit here today, I don't recall.

12

Q Before I move on with this subject, I just want to make sure I understand.
13 Once this kind of message is pushed out nationwide about identify your predicated
14 subjects, a larger number existed, but only [REDACTED] were identified.

15

Do you know who or how that determination was made to go from a larger
16 number -- who would be responsible? What unit within the Bureau would make that
17 decision as to these are the folks that are going to be -- that are identified as traveling to
18 D.C.? Would that be in field office or would that have gone to Washington field office?

19

A I think this is going to be a combination between the field office and, in this
20 case, the domestic terrorism operations section. But, again, for a more fulsome
21 briefing, I would refer you to the FBI.

22

Q Got it.

23

[REDACTED] Do you have any questions on the travelers?

24

[REDACTED] Huh-uh.

25

BY [REDACTED]

1 Q I want to go back to the other bucket of cases, the kind of the social media
2 exploitation that you talked about. And, again, I want -- if you could explain, I know Jill
3 Sanborn mentioned again in that hearing that there's some constraints within the
4 Bureau -- sorry, did you say something?

5 A No.

6 Q -- whether they can just monitor open sources, and she mentioned as part of
7 that the predication. Can you just explain -- can an FBI agent just simply go on a public
8 source and, you know, assess what the threats could be about a particular event? Are
9 there any constraints?

10 A I think to better answer that, I am going to have to refer you back to the
11 Bureau in that regard. What I can tell you is when we saw social media, if we found
12 it -- remember the internet is a giant pool of data. And we used a tool called DataMinr,
13 which was used for social media exploitation.

14 At some point, that was switched over around this time to a tool called ZeroFOX,
15 which had a similar capability is my understanding. But that tool would look for certain
16 indicators, certain behaviors, certain statements on social media, but it gets very
17 complicated. And I think I would rather refer you to the FBI to answer the First
18 Amendment aspect of this.

19 Q So --

20 A Where we -- to be clear, where we saw specific articulable, plausible threats,
21 those would be something that we would look into. If we found it, we would very often
22 look into those.

23 Q I want to talk a little bit about the DataMinr, ZeroFOX change, but when you
24 say the First Amendment challenges, what are the factors that you're looking at that
25 takes it outside of the realm of First Amendment to make it -- and this is outside of

1 January 6th, but just generally speaking?

2 A Well, again, if you make a specific articulable, plausible threat where there is
3 a potential violation of Federal law, that is something that we should potentially follow up
4 on. If we found it, if we knew about it and were aware of it, it's something that we
5 would often follow up on.

6 So, for example, back to that tips and leads --

7 Q Uh-huh.

8 A -- oftentimes, those came in through that. Otherwise, if it was social media
9 exploitation and someone made a threat in those categories that I talked to you about,
10 very often we would follow up on that.

11 Q But the same kind of judgment call that's made about the tips and leads is
12 made about the Open Source posts as well, correct? Whether it's specific, whether it's
13 articulable as you just said?

14 A Yeah. At some point, there's a certain amount of judgment that has to be
15 applied here because the volume is -- I wish you could see the volume. It is off the
16 charts, and it's one of our greatest challenges is social media today. So, yes, there are
17 judgment calls that are made.

18 Q What about the information that the Bureau receives from an organization,
19 such as there has been reports that Parler provided a bulk of information about
20 problematic posts and Facebook did the same?

21 A Well --

22 Q And let me -- that seems to be, again, as a non-FBI person, prepackaged
23 provided to the Bureau. This is all about the same event and potential for violence, and
24 it was provided to WFO. And I can go through that for you, but just generally for Parler,
25 for Facebook, there's also Digital Forensic Research provided materials. I'm just

1 wondering if that kind of prepackaged material makes any difference in terms of the
2 assessment that the Bureau does.

3 A So what I can tell you is what I know. Again, I left 2.5 weeks later, I think it
4 was. What I can tell you is we did work very often with social media companies, and if
5 they identified a threat and it was a valuable concern -- this happens at times with active
6 shooter-type threats on social media -- we would typically follow it up.

7 Now, when we received, what we received, and from whom we received, I was
8 gone for all of the after actions, so I do not know the answer at this point.

9 Q As you sit here, do you have any recollection of anyone within WFO alerting
10 you about information received from, say, Digital Forensic Research, or the Georgetown
11 Center that was also tracking the domestic terror threats?

12 A I don't recall that, no.

13 Q And understanding kind of the challenges of the specificity and whether it's
14 articulated, again, that judgment call whether -- you said with the tips, there's a
15 supervisor review. Also for the Open Source monitoring, is there some sort of review
16 that's done as to whether it should be input into the Guardian system?

17 A There should be. But, again, the SOMEX units and the intel side of that
18 particular place, I would refer you back to the FBI.

19 And just to go back to your last question, did anyone bring this specifically to my
20 attention, whether it was in a briefing, I don't recall. Is it possible there was something
21 on an email that I was cc'd on? It's possible. I don't recall this, those two specific
22 examples that you're talking about. That's my answer.

23

BY [REDACTED]

24 Q Can I follow up for just a second, Mr. Bowdich. So I'm just trying to
25 understand if the limitations that you described govern the monitoring or the

1 operationalizing. In other words, if you're a JTTF agent out in Nebraska, to use [REDACTED]
2 earlier hypothetical, and you have reason to believe that there are people in your area
3 that are thinking about going to D.C., are there any restrictions on you, the agent's ability
4 to access open-source information as an investigative matter? I'm going to go onto
5 Twitter and plug in a few hashtags to see what I can find. Is there any restriction as a
6 matter of policy on agents looking at Open Source stuff, even disconnected from, you
7 know, a predicated subject or a specific open file investigation?

8 A I'm going to give you the best answer I can. Any restrictions on Open
9 Source information that people are putting out into the ether, I'm not aware of any
10 restrictions, absent the volume that is present.

11 Q Yeah. I get that you cannot have FBI agents that are constantly monitoring
12 the overwhelming volume of social media that is out there, and that's why you use things
13 like DataMinr, ZeroFOX, right, because they can create these sort of algorithms or
14 program searches that identify content that might be of interest?

15 A That's correct.

16 Q Okay. But, again, no restriction on an agent on her own saying, Hey, I'm
17 going to go poke around on Facebook, or I'm going to go look around -- again, all Open
18 Source, nothing that's behind a closed door -- just to see what I might find?

19 A Not that I'm aware of. But for a more fulsome answer, I would refer you
20 back to the FBI.

21 Q Okay. I understand the restrictions kick in when it comes to use of that
22 information to actually do stuff, right? Like unless it's sufficiently specific, credible,
23 articulable, the words you used, you can't just open a file based on that open-source
24 review unless the information reaches a certain threshold of significance and reliability.
25 Is that generally accurate?

1 A That's correct.

2 Q Okay. So just general stuff, I'm angry and I'm going to storm the Capitol
3 probably doesn't meet the threshold, but somebody saying, I'm going to Speaker Pelosi's
4 house at this address at this time, specific enough that it would prompt some sort of
5 operational response?

6 A Definitely the Speaker Pelosi's house, yes, we would -- that provides enough
7 specificity possibly to -- you would have to look at the timing of it. People who say, I'm
8 angry and I'm going to Washington, and I'm going to let my voice be heard? No. Now,
9 storm the Capitol, I think I should probably leave that one to the lawyers.

10 Q Yeah. I see. So consistent with your answer, it's clear that there's so
11 much subjective judgment as to when something is sufficiently specific, sufficiently
12 credible to prompt, to open something or to operationalize it by the Bureau? Is that
13 right? There's a lot, just dozens and dozens of judgment calls as to whether something
14 meets the threshold sufficient to take action, or if it's just protected speech and we're
15 going to notice it, but not do anything about it?

16 A There's always judgment in our business -- what used to be my business. In
17 law enforcement, there's judgment calls that are made every day throughout the country.
18 I think that's a fair statement, but I would, again, refer you back to the FBI on that one.
19 But, yeah, there's judgment calls that are made.

20 Ms. Greer. [REDACTED] this is Megan from FBI. On this point, I just want to make sure,
21 Mr. Bowdich may not have the availability of the policies, the DIOG, the social media
22 appendix. Obviously, on questions of policy and procedure, we're certainly happy to
23 follow up to make sure that for the record, all of those details are documented.

24 [REDACTED] Yeah. Megan, I totally get that, and I appreciate that. And it
25 may be unfair, Mr. Bowdich, to ask you personally about all of this because I get that

1 you're not there anymore and you don't have the DIOG in front of you. We're just trying
2 to get a general sense from someone who was at the very highest level of the Bureau
3 about how all this works. It's just sort of crucial to our inquiry, and that's the reason for
4 the question.

5

BY

6 Q The last question, before I give it back to you --

7 A Can I add one thing?

8 Q Yes, please, please do.

9 A To Megan's point, there was DIOG that was a Domestic Investigative
10 Operations Guide. It's about this thick, but there were certain decisions or guidelines
11 that I would frequently refer to a trifold. It was a big trifold, and I kept it on my desk.
12 But when I would have questions of this nature, I would go to that. If I couldn't answer
13 the question myself, I would go to my counsel and ask her the question.

14 But I knew that stuff then. I do not recall all of the guidelines. There's too
15 much right now. And even the trifold, frankly, I don't remember a lot of it at this point.

16 Q Yeah. Again, appreciate that.

17 It sounds like the decisions that we're just talking about, that judgment call about
18 whether something does or doesn't constitute sufficiently articulable, credible, those are
19 primarily made by people out in the field, sort of on the line, right? The JTTF agents, the
20 task force officers, the folks that are doing that first level review, they are making,
21 primarily making those judgment calls?

22 A Again, I think for something like this, I would refer you back to the FBI. Yes,
23 there are judgment calls made every single day in the field. Periodically, or at least prior
24 to this, not too long, we conducted an audit of some of the Guardians to determine
25 how -- a field audit or a headquarter's audit to determine the Guardians and how

1 those -- how they were actioned, just to get a sense of it.

2 Q Yeah. And you're talking about something that was Jan. 6-specific, an audit
3 of the Guardians to show generally the way the Guardian system works?

4 A This was back in the day, but the way it worked.

5 [REDACTED] Yeah, got it. Okay. I appreciate that.

6

BY [REDACTED]

7 Q Just to close the loop on this kind of discussion about the judgment calls that
8 are made, just so the record is clear, judgment calls are made prior to anything getting
9 uploaded in the Guardian system, correct?

10 A There are judgment calls. There are review processes, but those judgment
11 calls are made using the DIOG as essentially the Bible, so to speak, with which they would
12 refer to if necessary.

13 Q Got it.

14 So there could be a slew of information that was viewed, but did not reach the
15 threshold set forth in the DIOG, and, therefore, was not in the Guardian system?

16 A I don't know the answer here.

17 Q Okay.

18 I want to go back. We're going to talk about the DIOG in a bit, but I also want to
19 talk about the National Threat Operations Center, and how that functions in relation to
20 what you referred to as SEGUS.

21 What's the role of the National Threat Operations Center in in-taking tips or
22 threats, and how does it interact with SEGUS and pushed out to JTTF, or whatever field
23 office?

24 A So the NTOC is the center that I was referring to earlier where they have a
25 large component of call takers and some e-tip reviewers. That's called the National

1 Threat Ops Center, and that is kind of the hub of the intake of all of those calls and all of
2 those tips and leads, and that's where they are either nuisance callers, no lead value, or
3 pushed to State and local resources or other Federal resources at times, or they are
4 placed into a Guardian and they are sent out to the field for review and potential action.

5 Q Okay. So they are also uploaded to a Guardian system and NTOC? It's not
6 a separate system that they're uploading anything that they believe meets the standard,
7 right?

8 A Can you repeat that?

9 Q So NTOC is uploading whatever they deem to be specific or articulated into
10 the Guardian system?

11 A Correct.

12 Q Okay. There's not a separate system that they have?

13 A Not that I'm aware of. That's how information gets to the field if it needs
14 to go to the field.

15 Q So, I guess, here's my question then. When all of these are -- that
16 meet -- that are uploaded to the Guardian system, let's just take January 6th specifically,
17 when is it viewed in aggregate? Like once it enters the ether of the Guardian system,
18 who's reviewing it?

19 A That would go under a supervisor, and in a large office, they will often have a
20 threats squad, and they would intake all of the Guardians and they would then push them
21 out if necessary -- well, first of all, they would have them quickly assessed. If the
22 Guardians needed to be investigated, they would oftentimes send out a TFO or an agent,
23 or both, and they would go out and they would, oftentimes, conduct interviews. They
24 would do certain database searches.

25 And if, after they pulled the rug back, they saw something that was of value, or

1 that they believed merited deeper investigation, then they would then write it up and
2 send it to what we call a substantive squad. And a substantive squad in this case could
3 be the JTTF, or it could be a white-collar squad, or it could be a violent crimes squad.

4 Now, in the smaller offices, they don't have the luxury of having a threat squad, so
5 it would go into a certain supervisor. That varies, depending on which office you're in.
6 That supervisor would review it and then assign it, and a similar process would take place.

7 Q But for January 6th specifically, for any Guardians that were tagged with this
8 event in mind, what office or what unit was responsible to review it?

9 A Well, it should be part of the JTTF. It should have been throughout the
10 country, these leads should have been assigned to the JTTF through either the threat
11 squad or directly into the JTTF. Once they were reviewed, let's say, they are in -- you
12 name the State -- they are in Denver, if they look at it and you have a potential traveler or
13 someone who says, Hey, I have information about violent people who want to go conduct
14 violence in D.C., then they would send that. They would write it up and send it
15 to -- enter it into the database, and then those in WFO, under that tag, which essentially
16 acts as a filter because there's so much information, they would use that filter to go in
17 and pull that information and determine whether anything needed to be done with it.

18 In addition, the program management arm would also have visibility and help
19 make connections as necessary.

20 Q But just so I'm clear from your answer, the WFO would be the folks
21 responsible for reviewing the Guardians related to January 6th, correct? It's not at the
22 mother ship; it's at WFO?

23 A Correct.

24 Q Do you know when that occurred in terms of -- and let me give you the facts.
25 We were provided a briefing by the Bureau, and they talked us through the tag that was

1 specific to January 6th, and stated that no one viewed it in aggregate until the SIOC was
2 set up on January 5th.

3 Is that consistent with your recollection?

4 A I had never heard that. That's the first time I've heard that.

5 Q Is that surprising to you?

6 A That would be surprising to me. However, I think you also have to consider
7 the context. As you get closer to an event, it would not be unusual to see and hear
8 more activity and more noise associated with that event.

9 Q Understood. But would it be concerning that no -- that there wasn't any
10 unit or office reviewing the number of Guardians that were relevant to the event until the
11 day before?

12 A I would say if that is true, it would have been -- I don't know that to be true.
13 If that is true, look, the earlier you can get the information and draw a mosaic, so to
14 speak, of what we know about a certain issue or a certain event, the better.

15 Q And just so -- again, understanding the system, the Guardian system, is the
16 Guardian system pushed into the main SENTINEL system where it could also be reviewed
17 in aggregate?

18 A So you asked me that question earlier, and that's the one -- I believe the
19 answer is yes, but I would rather refer you back to the FBI.

20 Q Okay.

21 A But I know all JTTFs have access to the Guardian system.

22 Q Okay.

23 Let me just go back to the DataMinr question that Tim asked you about. And in
24 terms of what impact, if any -- there's a couple of emails. I can show them to you. My
25 specific question is, did you become aware of the contract with DataMinr ending, and

1 what the potential impact could be as it relates to January 6th as the tool that it's used
2 for, at any time?

3 A So I have a vague recollection of this issue, and typically on an issue like this,
4 because it's in the IT side, this would be left under the Associate Deputy Director's profile,
5 which is where IT lives, and they reside there.

6 Now, was I aware of us changing? Yes, at some point. Would I have asked and
7 did I probably ask was there any loss of operational capability? I don't specifically
8 remember that, but I can tell you typically I would have.

9 And then you'd have to ask about the rollout, what's the training look like, what's
10 the announcements, how often and persistent are those announcements to our folks,
11 that type of thing. Because the rollout is oftentimes where you will see challenges any
12 time you switch to a new system.

13 Q I want to -- and I appreciate that answer from your level. I understand
14 that.

15 I want to draw your attention to an email within WFO. This would be Bates
16 stamped 1081, 1082.

17 And, Todd, this is in the second tranche of reading room materials.

18 A Second tranche. So do you know which tab?

19 Q I don't. Mine is not tabbed.

20 [Discussion off the record.]

21

BY

22 Q It's an email --

23 A Okay. We found it.

24 Q Oh, great.

25 December 31st, subject line: "Urgent, please read." Looks like it's sent to

1 Jennifer Moore is the email string.

2 A Okay.

3 Q Starting with someone at the chief information office, but some of the
4 names again are redacted.

5 "We have" -- and I'll read it. "We have an urgent need for the DataMinr
6 replacement to be on and active starting on January 4th in support of some potential
7 issues in the D.C. area. Do you have a timeline on when you will release the new
8 system? The sudden discontinuation is most untimely as much of our crisis response
9 funnels through DataMinr. Thanks in advance."

10 And that's something an analyst pushed out.

11 Did you become aware of this concern about the DataMinr contract lapsing, and
12 how it might impact the collection of data on January 6th?

13 A Look, I was briefed at a high level at some point about us moving off of
14 DataMinr to another system. I didn't remember the name of it until I read this email, or
15 an email somewhere. Was I aware of this? Not to my knowledge. Was I aware of
16 any lapse in capabilities? Not that I can recall.

17 Q Okay. And then, I want to point you to another -- this is another reading
18 room material. This would be Bates stamped 92 -- just 923.

19 A Okay.

20 Q This is, again, within WFO for Matthew Alcock -- actually to Matthew Alcock.
21 Sorry. Again, I don't know who it's from, Sunday, January 3rd.

22 That first email was December 31st?

23 A Yes.

24 Q Sunday, January 3rd, 12:03, to Jennifer Moore and Matthew Alcock, second
25 paragraph there, "Also, FYI on social media. Hopefully everyone is aware that the social

1 media tool contract expired on New Year's Eve, and it was awarded to a new company
2 who utilizes the tool called ZeroFOX. So far we have been able to get accounts and
3 currently working with the PMs at HQ to get key word searches going on the tool. All of
4 this to say our social media abilities might be slightly degraded during the events as we
5 are getting used to this new tool, but we're going to make it work."

6 So I understand you were likely briefed on this issue on a high level, but did you
7 become aware if there was any impact on the actual line agents and analysts in collecting
8 data as you headed towards January 6th? This is a January 3rd email.

9 A I do not recall becoming aware of a problem with it at that time. It doesn't
10 mean it wasn't said to me, but I don't remember that.

11 Q Okay. I want to go back to the, DIOG, too, before we head into January 6th
12 specifically. This is all kind of table-setting, if you will.

13 I want to -- you spoke a little bit about the DIOG, and there's been some
14 discussion about how the Bureau treats domestic terrorism cases and some of the
15 challenges that there are.

16 I think after January 6th, in March of 2021, after you left, Director Wray testified
17 at a hearing specifically about January 6th and stated that White supremacy is the biggest
18 terrorist threat in the country. It's a persistent evolving threat and the biggest chunk of
19 racial motivated violent extremism in the United States.

20 And this was a statement that he had made prior to January 6th as well, in terms
21 of some of the threat assessments, or threat hearings, that were conducted on the Hill.

22 Are you familiar with this, as the White supremacy threat as kind of the number
23 one threat that was faced by the Bureau, even before January 6th?

24 A Yes. Look, I was always worried about all threats in the terrorism realm,
25 whether it was international terrorism or domestic terrorism. Yes, the entire year of

1 2020 was a difficult year, and I'm very familiar with the very significant threat posed by
2 White supremacists.

3 Q Can you just walk us through what the challenges are, or the different
4 standards that might apply, based upon your experience, in terms of opening a case
5 against a domestic terrorism individual, start with an individual, versus one that's -- you
6 know, there's an OTC as an international terrorism, so kind of the differences that exist
7 there, based on the DIOG?

8 A And, again, because I don't have the DIOG in front of me, I think that's one
9 I'm going to refer you back to the FBI for. However, I will say this: The standard for
10 opening a DT case is challenging and more so than you would see on the criminal side.
11 But I think for a much more fulsome answer and detailed answer, I will give you -- or I will
12 refer you back to the FBI.

13 Q Until we get that answer from the FBI, can you explain what's challenging,
14 just generally?

15 A I would rather leave it to them. I think it's better. I have been away for a
16 while. I haven't had that trifold in front of me for 10 months. I just don't remember
17 everything.

18 Q Well, are there more steps that are involved in opening a DT case versus an
19 international case?

20 A There are some -- you're a good questioner.

21 There are some -- there are some hurdles to climb. I'll just leave it there. I
22 think it's best just to get that directly from the Bureau.

23 Q There has been a number of press reports about this particular issue and
24 how that might have impacted the intel landscape going into January 6th because of the
25 challenges, as you have just stated without detail. But do you think that that challenge

1 impacts the prioritizing of domestic terrorism organizations, or did it within the Bureau?

2 A No, I don't think so at all, the prioritization, no. The challenge, the hurdle
3 to climb would never influence the importance of the matter to us as an organization.

4 Q Fair enough.

5 But if you're just an agent in an office and if you want to investigate something or
6 sometimes, would it be fair to say, that hurdles present challenges that one might not
7 want to go through to follow those facts and open up an investigation?

8 A Look, I think if you're an agent, you have got to get used to hurdles, because
9 you run into them regularly. There are certain agents that like to work certain
10 violations, and there's other agents that like to work other violations. But, no, hurdles,
11 they arise regularly in our work.

12 Q Do you think there's any accuracy in the claim that there's more -- culturally,
13 there's more of an emphasis on pursuing international terrorism cases versus domestic
14 terrorism cases within the Bureau?

15 A What was the first part of your question? Do I think there's any what?

16 Q Accuracy in the claim that -- I forget how I phrased it now.

17 [REDACTED] Culturally.

18 BY [REDACTED]

19 Q Culturally within the Bureau, the pursuit of international terrorism cases is
20 prioritized over domestic terrorism cases?

21 A In today's era, no, I do not. I do not.

22 Q How about as it evolved while you were there?

23 A Well, there was a time when international terrorism was incredibly
24 concerning, especially post 9/11, and we moved the organization like I had never seen it
25 moved in my entire career. I would say right after 9/11 for some time, there was a laser

1 focus and massive amounts of resources were moved to international terrorism, probably
2 more so than domestic terrorism.

3 But over time we have not pulled away from that fight one bit, to be clear, but we
4 also have seen the domestic terrorism threat ebb and flow, as we have seen with time,
5 the international terrorism threat.

6 But to be clear, we don't take our eye off either one, because they are both very,
7 very dangerous to this country.

8 Q Do you think the same attention is being provided to the domestic terrorism
9 threats in terms of a laser focus that was on international terrorism after 9/11?

10 A I do, I do. We don't have a 9/11 Commission report, but yes, I do,
11 absolutely.

12 Q What was the impact of that 9/11 Commission report on the priorities of the
13 Bureau?

14 A Well, you created an entire intelligence directorate that came out of that.
15 We didn't have that before 9/11. We were also looking to be much more preventative
16 and really move the organization in that way. We also became a much more active
17 participant in the U.S. intelligence community, which, as you well know, is a
18 conglomeration of, I think it's 17 agencies as I sit here today, where back pre 9/11 we
19 were not, in my estimation, where we could have been in the intelligence realm.

20 So there's a lot of big changes that came out of that, and I think the domestic
21 terrorism side has matured in a very significant way, along with the international
22 terrorism side, throughout the past 20 years.

23 Q Do you think a directive is necessary to shift the intelligence apparatus to
24 focus on domestic terrorism, or do you think that there's an adequate focus as an --

25 A I do not, absolutely not. I think there is an adequate focus. I think over

1 the last few years -- look, again, the environment ebbs and flows. I think there is
2 absolutely an adequate focus on domestic terrorism events, on domestic terrorism,
3 period.

4 Q And so, resources and priorities you think are aligned with dealing with this
5 threat, prior to your departure with the Bureau, of course?

6 A I do. And I have full faith prior to my departure, and I have full faith that
7 Director Wray and his staff will make the appropriate resource shifts as necessary to
8 match the threat.

9 [REDACTED] Does anyone have any questions on that?

10 Is Mr. Aguilar still on? I can't see.

11 Okay.

12 [REDACTED] Do you want to talk about a break at some point?

13 [REDACTED] Sure. Do you need a break now or do you -- we're going to
14 get into January 6th specifics now.

15 The Witness. I would love a break just to use the rest room.

16 [REDACTED] Sure.

17 [REDACTED] Do you want lunch break or just a brief break?

18 The Witness. How long do you think we're going to be? What do you
19 anticipate?

20 [REDACTED] To be clear, we're headed right into January 3rd and the
21 preparations, so at least an hour more.

22 Mr. Harrison. Why don't you give us until 1 o'clock?

23 [REDACTED] Sure. 10 minutes?

24 Mr. Harrison. Yeah, 13 minutes, I guess it is.

25 [REDACTED] Sure. That's fine.

1 Mr. Harrison. Thank you.

2 [Recess.]

3 BY [REDACTED]:

4 Q So I now want to shift to talk specifically about January 6th, and broadly,
5 some of the reliance on your law enforcement partners going into it, as well as the
6 specific intelligence that was received and steps taken by the Bureau. So it's kind of a
7 backdrop for this next set of questions.

8 Were you aware of the marches related to Million MAGA March on
9 November 14th and December 12th that were held here in D.C.?

10 A Yes.

11 Q To your best recollection, what was the Bureau's involvement in responding
12 to or preparing for those two events?

13 A As I recall -- I'd refer you to WFO for a better answer, but what I recollect is
14 that we did talk about each one going into it. And I believe WFO set up a command post
15 in both of those. We did not, to my recollection, set up a national command post for
16 each one of those because they were more localized events, and that would typically be
17 the case. In this one we did. In those two, I don't recall doing it.

18 Q Meaning the SIOC, right?

19 A Correct.

20 Q And we will get to that in a bit.

21 In the preparation for January 6th, was there discussion about the
22 counterprotestors who could be expected --

23 A Yes.

24 Q -- at the January 6th rally?

25 A Yes.

1 Q And what do you remember about that conversation and the importance of
2 the presence of counterprotestors?

3 A Well, I remember we had -- as I recall, I had some concerns in, I think it was
4 the December one, of your antifa types and your Proud Boy types actually coming
5 together, and that being a very combustible mix. That was my concern as it pertained to
6 that particular aspect of your question.

7 Q And then taking a step back -- and we talked a little bit about domestic
8 terrorism -- did you put those groups, the antifa group, into that kind of domestic
9 terrorism bucket?

10 A Well, again, as you know, that's a very hot topic, and I'll leave that to the FBI
11 to define what antifa is and what it's not. But, yes, it could be investigated as a
12 domestic terrorism investigation.

13 Q Did anything about kind of the experience in response to the civil
14 disturbance protests over the summer impact the focus on the presence of
15 counterprotestors going into January 6th? And I want to talk a little bit more about the
16 summer, but as to what the focus was?

17 A Can you re-ask that question? Can you repeat it, please?

18 Q Sure.

19 So during the summer of 2020, there was the focus on antifa and Black Lives
20 Matter. Was that -- did that impact what your -- the focus or, you know, the
21 understanding of the presence of counterprotestors going into the January 6th rally?

22 A No. I would separate the two.

23 Now, in Portland, as you recall, we had a murder where a guy yelled, "I am antifa,"
24 and he shot and killed a guy in downtown Portland. In and around some of that
25 violence that was occurring, obviously, that's a very combustible mix when you bring

1 those two ideologically opposed groups together, and that is always a concern when one
2 side -- or I don't want to say one side -- when you have an event that could potentially
3 draw people in who are very ideologically inclined, either way.

4 Q All right.

5 But I guess my question is, on January 6th, you didn't have opposing ideology, in
6 hindsight obviously. Is that fair to say?

7 A You mean actually there?

8 Q Correct.

9 A Not to my recollection. We did, however, as I recall, in December have
10 some street squirmishes between the antifa types and the Anarchy -- and some of the
11 Proud Boys types.

12 Q And before we get into kind of the summer more, one of the criticisms that
13 was in the press about the Bureau was that -- from that December 12th rally, was that
14 there was a focus on street clashes and, you know, the focus on counterprotestors, which
15 didn't play out on January 6th.

16 Do you think that's accurate in terms of -- is that fair, that there was a focus on
17 counterprotestors that actually didn't play out on January 6th?

18 A Well, I think that's Monday morning quarterbacking, quite frankly. I think
19 there's always the possibility of that combustible mix taking place. And I also think if
20 you look at the list of all of the events -- and I was following those closely back
21 then -- there's a lot of events taking place that day. And there was a focus on not just
22 any one building -- certainly the Capitol was a focus because that's where the election
23 was to be certified, but there were other potential opportunities for conflict and/or
24 violence.

25 Q A lot of this is Monday morning quarterbacking, so that's right. That's the

1 bread and butter of what we're doing right now actually.

2 Let's just start with the lead-up to January 6th in terms of some of the interagency
3 calls that you were present on from January 3rd and 4th.

4 Starting with the WFO update for January 6th events, this is Bates stamped 910 to
5 914, which I flagged before.

6 A Okay.

7 Q So this appears as would have been received by you. The ADIC is in
8 communication with the DD, who would be yourself, I presume. Is that right?

9 A Yes.

10 Q Okay. Before this was provided to you as part of your review to this
11 interview, were you familiar with seeing kind of this -- emails concerning January 6th and
12 the updates that were provided by WFO?

13 A Well, I wouldn't typically be cc'd on an email like this from the SAC to her
14 ADIC. But is it possible that much of this information went into some sort of a SITREP?
15 Yes. Do I remember specifically this email? No. Does some of the information inside
16 it resonate with me? Yes.

17 Q Okay.

18 Why don't we go to the information concerning the WFO -- actually I think what
19 would make more sense is in the second binder -- sorry, Todd -- we have Bates stamps
20 1174 and 1175.

21 And at the top of that, it's the same information, but it appears to be what
22 information that was -- what was provided to you, Mr. Bowdich, from Steve D'Antuono,
23 the bottom line up front.

24 A It might be in the same binder, but let us find this, [REDACTED]

25 Q Uh-huh.

1 A 1174, what I have is an email from Alcock to Sanborn.

2 Q Yep.

3 A Okay.

4 Q So in that first part of the paragraph, "BLUF or CTD," bottom line up front for
5 counterterrorism division? Is that right?

6 A Correct.

7 Q "No credible or verified threat. WFO and DTOS are tracking redacted
8 predicated DT subjects intending to travel to D.C. As of today, there are also 16
9 Guardians of note across the field we are tracking or directly working. The
10 DD" -- meaning yourself -- "discussed with Steve, the ADIC of WFO, the possibility of a
11 SIOC/command post. However, the DD preferred WFO's plan for a light CP active at
12 WFO for midday into the evening."

13 So this is January 3rd. Now, we know on January 4th around 9:00 p.m., there
14 was a directive from yourself to set up the SIOC. Can you explain, on your recollection,
15 what shifted there, why you thought a SIOC would be necessary?

16 A Well, can you go through that one paragraph again? I want to make sure
17 I'm following you. It was on the top email part?

18 Q Yes, the last two lines. "The DD discussed with Steve" --

19 A Yeah, I've got it.

20 So, first of all, that's not accurate. I did not prefer a light CP at any time. In
21 fact, at one point, the ADIC, I called him to see what we were doing, and he said, We're
22 going to do a virtual command post.

23 Now, understandably so, because, remember, you've got the inauguration coming
24 up on the 20th, and COVID is ripping through the country, and so, he was concerned with
25 everybody getting sick. So he was worried about bringing them all together and

1 coalescing into one room, which is a valid concern.

2 The concern with virtual command posts for an incident this significant did not
3 resonate with me. And although I understood the reason why he was thinking that way,
4 I told him no, I want a full command post inside WFO.

5 So that is not accurate.

6 Q Okay. And the full command post in WFO is separate from a SIOC, right?

7 A That's correct. And that's where I was going to go.

8 What may be accurate is I don't remember whether I had decided on the 3rd or
9 the 4th to stand up SIOC. SIOC is designed for a national event and to push and pull
10 information from all of the field offices. In any situation at the local level, typically the
11 local office, if it meets a threshold or a standard that they determined they would need to
12 stand up a command post, they would stand it up. WFO is no different. It is a local
13 field office.

14 In this case I didn't know whether this could go beyond just D.C. So the local -- I
15 determined, all right, let's go ahead and stand up and directed them to stand up the SIOC.
16 That may have been the morning or the afternoon of the 4th. I don't remember.

17 Q Let's -- why don't we go back to kind of what led up to that SIOC decision,
18 and I know that from the timeline, it appears there was a January 3rd call, interagency
19 call, and a January 4th call with DOD.

20 Do you remember being on a call with the Department of Defense?

21 A I do, with a number of partners on the 4th. I don't recall being on one on
22 the 3rd. It doesn't mean it doesn't happen; but I don't recall that one, and I think I
23 would.

24 Q So we have -- and it should be in the marked exhibits, exhibit tab 15.

25 Do you have that, Mr. Bowdich? We believe -- are these your handwritten

1 notes?

1

2 [1:16 p.m.]

3 Mr. Bowdich. These are mine, yes, and if you notice the date, it's the 4th.

4

BY [REDACTED]

5 Q The 4th, right.

6 A That's the call that I'm referencing that I know I was on.

7 Q And what was the purpose of the call with DOD?

8 A Just a general coordination call, and it wasn't -- to my recollection, it wasn't
9 just with DOD. I thought DHS was on there as well. DOD was on there, the Acting
10 SecDef; the Chairman of Joint Chiefs; and the Acting AG, Rosen; the Acting DAG, Rich
11 Donoghue; myself. I think Matt Ballou (ph), who was one of the attorneys at Justice,
12 was there. I don't remember if there was anyone from Interior on that call because they
13 had the Park Police under them.

14 But it was a general principal/deputies level coordination call, and I was over in
15 the AG's Office, and essentially, it was jointly hosted, as I recall -- I don't know how it was
16 set up, but as I recall, it was jointly hosted by he and/or SecDef acting, both of whom
17 were acting at the time.

18 Q And, if these are your handwritten notes, I just want to make sure we're
19 looking at the same first page. You have Chairman Milley?

20 A Yes.

21 Q And then can you just read that paragraph? I tried to, but it would be
22 helpful if you read it yourself.

23 A Okay. It says: This is an LE operation, in quotes. It says: I pushed the
24 fact that National Guard was significant deterrent in Lafayette Park right after we almost
25 lost the fence.

1 Q What does that mean?

2 A Okay. So, during the summer, I went over to Lafayette Park. And, when I
3 did, I met in the park, and it was rowdy right outside the park. When I did, I met with
4 the deputy chief of the Park Police or the Secret Service uniform. I think she was Secret
5 Service uniform. Park Police was there, and there was a significant presence of the
6 Guard, National Guard.

7 On the other side, there were protesters who were throwing things, a lot of noise,
8 a lot of throwing things at the officers. There had been a lot of violence where Park
9 Police officers and Secret Service officers had been injured, and I remember specifically
10 this assistant or deputy chief. She told me: We almost lost that fence last night, and I
11 don't need to tell you the consequences of that happening. So that fence was
12 reinforced later because that fence was right on the edge of Lafayette.

13 Q So the paragraph that you just read, was that something you provided -- you
14 stated during this meeting, or was that something Chairman Milley stated?

15 A No. He stated: This is -- I see this as a law enforcement option or
16 operation.

17 I stated, understand -- something to the effect of I understand, but I do think the
18 National Guard -- I know the National Guard was -- I believe the National Guard was a
19 significant deterrent at Lafayette Park.

20 Q And, by saying that, did you think there would be a need for the National
21 Guard in preparations for January 6th, or was it just --

22 A I think it would have been helpful. I think it would have been helpful, yes.
23 And my point was we had them in the park, thank goodness, and I felt they were a good
24 deterrent after we almost lost the fence to try to make the point that this was significant.

25 Q So, by -- from that back and forth, do I take it you think that the National

1 Guard would have been helpful? Did you perceive there to be the potential for violence
2 similar to what you saw over the summer?

3 A I didn't know, but there was certainly the potential, yes. I think
4 there -- having the National Guard would have been helpful. However, to be clear, I also
5 understand, looking through their eyes, they didn't want it to look like a militarized event,
6 a militarized society, so they had different concerns. They look through different lenses,
7 and so I don't see through their lenses. I see through mine. My perspective was what
8 it was, is, was what it was, and I understood.

9 Q So, without the notes, though, do you remember what that back and forth
10 was when you said, "Hey, the National Guard might be helpful"?

11 A It was quick, and he essentially said, look, I see this as a law enforcement
12 operation. I don't remember everything that was said beyond that.

13 Q And who was leading that call?

14 A I would categorize it as jointly led between SecDef and the Acting AG, but I
15 don't know how it was set up, so this is my perception only.

16 Q At any point during that call, was there a discussion about who the lead
17 Federal agency would be going into January 6th?

18 A Not that I recall.

19 Q Was there ever a time in the lead up to January 6th you remember a
20 discussion with any DOD officials or within DOJ itself about who would take on this idea
21 of a lead Federal agency?

22 A Not that I recall, but I wasn't privy to a lot of the conversations, and that's
23 not a typical discussion that we would have, depending on the situation.

24 Q What do you mean by that?

25 A I wasn't in all these discussions is my point, so I don't know what was said

1 between DOD and Justice. I don't know. But I don't recall anyone saying: FBI or
2 Department of Justice, you're in the lead.

3 Q Do you remember a conversation, this is just to potentially trigger your
4 memory, with Mr. Donoghue about, "Hey, DOD wants us to take the lead; there's a few
5 buckets of categories we could attempt to be the lead on"?

6 A Yes, I do. I remember specifically telling them, I believe it was on this call,
7 we have four buckets of responsibility, and those buckets were setting up and
8 establishing a command post, which I had already deemed before the call we were going
9 to establish a national command post because I told them on that call, "We're going to
10 start it tomorrow at 4 o'clock." I believe it was on the 5th. And what I don't know is
11 when I told my own people. I think I told them before. I don't know. And then that
12 was one bucket, establishing that push and pull of information locally, and in this case, I
13 had decided that day, I believe, to establish a national command post. Second, it would
14 be to provide tactical support and response, as appropriate. Third, it would be to
15 conduct investigations of Federal -- violation of Federal laws.

16 Q You know what, Mr. Bowdich? I think you have these notes. My Bates
17 stamp is 2 -- is 1224 --

18 A Okay.

19 Q -- where it says literally says "buckets."

20 A Okay. So the only thing that's odd here is why I wrote "street ops."
21 Command post, intel, intelligence is the second budget -- bucket. Street ops, I don't
22 know what I was -- why I wrote it that way because I don't think that's the way I was
23 saying it, and I typically said tactical response in support of others, as necessary. That's
24 probably what I meant by street ops. That's the only thing I can think of.

25 Q So what was your understanding after this call with DOD what the Bureau's

1 role would be going into January 6th? What would -- where would they take the lead
2 on?

3 A Those four buckets. And, again, "lead agency" is a -- it's a term that was
4 not typically used here, and it would not be used here, necessarily. And just because we
5 are establishing those four buckets, there was never, to my recollection, anyway, a
6 discussion of us being the lead agency here.

7 Q Now that we're just on that page, this is Bates stamped 1224, it's -- the first
8 half of it is typed. Are these -- can you just -- are these your notes, or are these Steve
9 D'Antuono notes, and who is the handwritten?

10 A The handwritten is all mine. I don't know. I don't know who drafted
11 these and for whom. I'm assuming maybe this is something he provided to me. I don't
12 know.

13 Q Okay. I just want to kind of go through, frankly, because I can read it, and
14 it's because it's typed, but the typed things says: 3 p.m., telcal meeting partners with
15 Chief Contee from MPD, ATF, FAC. The crowd size, the permits range from 10- to
16 25,000, no firm numbers. Hotel occupancy is up from this last year at 3,200 reservations
17 made, and it looks like you -- you have, your handwriting -- up 300 percent.

18 Do you remember what that was?

19 A I would guess that was from last year, but I don't know. I don't want to
20 speculate.

21 Q Okay. POTUS says he's going to be at the event August 6th. D.C. National
22 Guard bringing in 200 to work in 12-hour shifts. And then it says here: MPD JOC starts
23 tomorrow at 0700. WFO command post begin the morning of the 6th.

24 So I know you said you set up a national center. That would be the SIOC. So as
25 of this time, it was the JOC, the Washington command post, and that's separate from

1 SIOC, correct, or is it the same?

2 A It is separate. So the MPD JOC is their local task -- command post where
3 we would typically send one of our own and seat them inside that command post, and
4 that's how you have good intel flow between MPDs, WFOs, and, ultimately in this case,
5 later deemed SIOC.

6 Q So what triggered the SIOC being set up?

7 A I was concerned, and so -- it's a good question. Here is my -- my
8 recollection is there are -- there were -- was potential chatter, and I don't know if it was
9 specific to this the date or prior to this date, but there was some discussions online about
10 people talking about taking over State capitals. I think that may have been from the
11 December event, but I'm not sure.

12 So, my fear was we had to have it so that we could push and pull information out
13 to our State and local counterparts and other Federal counterparts, and, also, that if
14 something did happen, it could potentially reverberate throughout the country which
15 could touch off other disputes or other conflicts in other cities and regions around the
16 country.

17 Q Do you remember having a discussion with Mr. Donoghue or Mr. Rosen
18 about the need for a SIOC?

19 A I don't. I don't. They would typically -- I mean, they might ask me, but
20 they would typically leave that to us, but I don't recall if I had that discussion with them.

21 Q And do you remember --

22 A We talked all the time.

23 Q Pardon?

24 A Rich and I talked a lot, on a daily basis.

25 Q Do you remember if the decision to set up the SIOC was borne out of this

1 January 4th call with DOD?

2 A No, it was not, because I remember telling them I was going to start the
3 command post at 1600 the next day. I remember that specifically, telling them that on
4 that call. What I don't remember is when I told our folks to stand down.

5 Q Oh, I can tell you. It's exhibit 6 -- or exhibit 12. January 4th at 9 p.m.
6 There's a directive from yourself in the marked exhibit binder.

7 A Okay. This is source of information. Okay.

8 Q Do you see that?

9 A I do.

10 Q You're listed as the source of information for the SIOC and the NC3. And
11 can you just explain just briefly what the NC3 is?

12 A That's the national command post, which is stood up inside the Strategic
13 Information Operations Center at FBI Headquarters.

14 Q And do you remember if there was any specific intelligence and threats that
15 triggered your decision to set up the SIOC?

16 A I think it was noise that I can -- the noise seemed to be growing as we got
17 closer to the event, and it reached a point of we just didn't know what was going to
18 happen. Sometimes you just get a sense for it when you've been doing it.
19 And especially last year with all the events we had and all the command posts we had,
20 both locally and nationally, you kind of got a feel for it.

21 Q And -- but, for the prior two marches, you don't believe a SIOC was set up, is
22 that right, the November and December march?

23 A I don't remember. It did -- it doesn't resonate with me whether I did or
24 not. I don't remember. I do I know I was on the phone multiple times with the ADIC,
25 the assistant director in charge of WFO, during the one, I believe it was in December, both

1 before and even the day of that particular event. And I believe he had a local one, but,
2 again, the noise was there, but to my recollection, it might not have been as much.

3 Q So, when you say "the noise was there," are you hearing this noise as part of
4 briefings that are provided to you, or are you hearing this noise just as a regular civilian,
5 knowing the significance of the day? Are --

6 A No, briefings. Briefings, which derived from social media exploitation,
7 derived from tips and leads, et cetera, guardians.

8 Q Okay. Before I go off -- move from these interagency calls, do you
9 remember there being a discussion of DOD asking the Bureau or DOJ to take on a role as
10 it had during the summer prior?

11 A I don't specifically recall them asking that, but that does not mean it did not
12 occur.

13 Q What was the role that the Bureau had for the summer prior to? Because
14 other sources have said this came up, and there was -- as you know, we've talked to
15 Mr. Donoghue, and this was one of the asks that DOD had was you guys take on the same
16 role as you had during the summer for January 6th. I don't know if that triggers any
17 memory for you.

18 A It doesn't trigger my memory, but it wouldn't be an unlikely request from
19 them, so that wouldn't surprise me. Look. The summer -- I think you have to be
20 careful about comparing the two because the summer, we had violence day after day
21 after day after day after day. We had over a thousand law enforcement officers injured.
22 We had two shot and killed out in California, one shot in the head out in Las Vegas. We
23 had multiples who were injured, some severely. Two were driven into. Others were
24 shot, and then, you know, bricks, bottles, everything you can imagine thrown at them.
25 So it was a whole different situation.

1 The other difference that was very significant was -- and to be clear, this is a very
2 small minority of the protesters that were doing this. Most, the vast, vast, vast majority
3 of these people that were out protesting -- and when I say "these people," I mean United
4 States citizens, most of them, to my knowledge, were out there protesting in a very lawful
5 manner that they have every right to do and which we actually did everything we could
6 do enable those peaceful protests.

7 That said, there was a very small group that were violent, and we had to stand and
8 help our State and local counterparts who were being, many of them in certain
9 departments, significantly injured and running out of resources. We did some quick
10 reaction extractions of one or two that I can recall. There was a night when the
11 Washington field -- when Metro PD chief called us, and he said: Send me everything
12 you've got. He called the assistant director at the time in charge of WFO, and he was
13 being overrun. And he said: Give me everything you've got. And we did.

14 And so it was a very different situation is my point. The role we took on, to
15 directly answer your question, was we were out there and assisting in -- certainly in these
16 same four buckets, but it was a very different situation, and it was a more protracted
17 situation, and it wasn't just a localized situation. So the chiefs who were calling us from
18 all over the country asking for more intel because what they were saying was, we're
19 seeing what they call TTPs, techniques, tactics, and procedures, that are different than
20 they had seen, to include communications, to include organization, and they were asking
21 us for more intelligence. And so we were trying to draw a mosaic of what went on in
22 the entire U.S. and push it out to them. So the intelligence portion there that was
23 coming out of SIOC was essential.

24 Q And I appreciate you just drawing the distinction between the two events.
25 Is it fair to say that DOJ took on more of a lead coordination effort for the summer?

1 A I think it's fair to say DOJ had more resources on the street in the summer,
2 and we had -- and again, it's a national event, so we had SWAT teams protecting
3 buildings. We had -- FBI buildings because we had seen police departments in the
4 country actually be walked away from, and we made it clear that we weren't going to do
5 that. We weren't going to allow that. We also had them again helping officers who
6 got into tight spots; if requested, go out and pull them out of a tight spot.

7 Q How involved was the AG at the time, that would be Mr. Barr, in kind of the
8 decisionmaking as to the response of the Bureau?

9 A The Attorney General --

10 Ms. Antell. I just want to step in -- I'm sorry. I just want to step in here perhaps
11 to refocus this on the events of January 6th. Can you help me understand why or sort of
12 what the question is trying to get at here?

13 [REDACTED] Well, there's a difference, and Mr. Bowdich talked about the
14 difference in kind the -- of how the approach was over the summer versus January 6th.
15 So we're trying to unpack some of that as well as, as part of the investigation, Kira, many
16 of the agencies we've spoken to have talked about kind of this direct line of some of the
17 steps that were taken over the summer, how it led to what decisions were made on the
18 6th, and I can give you examples of those. So the ultimate question is, what impact of
19 the decisionmaking during the summer had on decisionmaking during January 6th? So
20 that's where we're headed.

21 Ms. Antell. I think that ultimate question is a reasonable one for Mr. Bowdich to
22 ask -- I'm sorry -- to answer about whether it had any impact, but I guess I would just note
23 Mr. Bowdich has already clarified many of the differences between the events of the
24 summer, including the protracted nature, the ongoing nature, the very national nature, as
25 opposed to the events of January 6th. But I'm comfortable with Mr. Bowdich answering

1 that last question, the ultimate question.

2 [REDACTED] Sure.

3 Mr. Bowdich. Can you restate the question?

4

BY [REDACTED]

5 Q Sure. Do you -- were there any -- look. There was much criticism that the
6 Bureau took as part of its response to the summer protests, and The New York Times ran
7 a piece about a memo that was written by yourself about referring to the summer
8 protests as a national crisis in light of the robust efforts that were taken by the Bureau at
9 the time.

10 What was the impact of some of those, the efforts that were taken, the criticism
11 that the Bureau took for the response to the summer protests? Did it have any impact
12 on how the Bureau responded on January 6th?

13 A No, it did not, how we responded to January 6th. I'm looking up because
14 I'm thinking should I add context to that memo, but I guess I'll just stick with the question.

15 Q You can certainly add context to the memo. I don't have the memo. I
16 only have the reporting about the memo.

17 A Then I can -- no. I think I'll just leave it there. No, it did not. It had
18 nothing to do with our decisions in how we approached this particular incident.

19 Q Do you think that any of the criticism of the Bureau was fair at that time as
20 far as the response of the Bureau to the summer protests?

21 A I think that's a difficult question to answer. Look, being in the role that I
22 was in as a Deputy Director, I saw what was going on in the Nation, and it was chilling in
23 the sense -- again, not the 98 percent or whatever it was that were --

24 Q I think it was 93 percent of the protests were peaceful.

25 A Okay. So not the 93 percent, but for the other percent, it was chilling,

1 when we had police departments walking away from stations, when we had -- or losing
2 stations, when we had all the police officers we had get injured. And, again, it's not like
3 a terrorist event in one location or an active shooter in one location. The way the FBI
4 does its business is we swamp that location. We push all sorts of assets there to help
5 bring order to chaos, but that's one city, usually, or one region. In this case, it was -- I
6 mean, I could run through the whole list of cities with you that were really in a bad way
7 and where the local departments had -- really were asking for more help, but it would
8 take a while. But it was a very different situation, and it was affecting multiple
9 locations.

10 Q I think, before Kira interjected, I asked what the -- how involved the AG was
11 in this decisionmaking. Can you answer that?

12 A I think I would defer to DOJ on that question.

13 Q So, if I -- let me just understand. So the summer protests you put in a
14 completely different tranche than what happened on January 6th?

15 A I did in the senses that I laid out to you. It was protracted violence over a
16 period of days and, as I recall, in certain cities, weeks. It was in the middle of COVID, so
17 we had resource challenges. This was also in the middle of COVID, so there were similar
18 challenges, but this was one -- one focal point. There, the focal point was all over the
19 country. So that's how I would say it was a very, very different situation.

20 Q And some of the critique of some of the tactics that the Bureau took, do you
21 think that was fair or not fair in terms of the summer incidents?

22 A I don't know which tactics they're referring to, and I don't know all the
23 critiques. I mean, quite frankly, I was in that city a long time, and I saw folks that were
24 afraid to make hard calls, and I didn't -- I never wanted to be that person, regardless of
25 criticism, and I recognized that you're going to get criticized.

1 Q So, just to close out the loop, and I'll turn it over to [REDACTED] but DOJ took on a
2 different role for the summer as it had during January 6th. Is that fair to say? Just stay
3 with the Bureau. Sorry.

4 A I think it's -- I think you're talking about apples and oranges is the problem.
5 I really do. And maybe people agree or disagree, but having seen it firsthand in both
6 situations, they couldn't be more different.

7

BY [REDACTED]

8 Q Yeah. I totally appreciate the difference. They were, as you said, radically
9 different. We looked at just a couple minutes ago an exhibit in which you indicated
10 there was at least one lesson learned from the summer that influenced your advice about
11 January 6th, right, the -- we almost lost the fence anecdote that you mentioned before
12 with respect to the National Guard. I'm just wondering if there are other things like
13 that, Mr. Bowdich, that were the product of the admittedly different event in the summer
14 that in any way impacted discussions about preparations for or response to January 6th.

15 A Not that I recall. I don't recall anything like that other than the -- again, the
16 difference in situations and the difference in scope.

17 Q Yeah. You mentioned the visibility -- sorry. Go ahead. I didn't mean to
18 interrupt you.

19 A Please go ahead.

20 Q You just mentioned the visibility of the Guard made a difference in the
21 summer, and in a call with General Milley and the Acting SecDef on January 3rd or 4th,
22 you know, you mentioned that, again, as the Guard's potential deterrent effect on
23 holding territory or on violence in the crowd, a completely understandable connection.
24 Were there any other things like that where you or others at the Bureau kind of drew
25 upon the lessons from the different events of the summer?

1 A That I recall, no. Not that I recall. And, again, I want to go back to the
2 conversation with General Milley.

3 Q Yeah.

4 A I want to be clear that I don't look through his lenses. Through my lenses, I
5 just wanted to make that known. I did not effusively say to he and the group: You
6 have to have the Guard out.

7 That's not my decision.

8 Q Right.

9 A What I told him was how I felt they were very useful as a deterrent in the
10 summer, and I specifically mentioned the fence and the Lafayette Park incident.

11 Q Right. Did you hear from General Milley or others in the military reluctance
12 to have guardsmen or military presence around the Capitol, around anything
13 election-related, given the sort of historic role that the military plays vis-à-vis domestic
14 affairs or elections?

15 A I think there's always a reluctance, and in those discussions, there are
16 concerns. Number one, post-incident, there were a lot of discussions about, should we
17 arm these people? These people are 20-year-old kids, a lot of them, and they would be
18 armed. They're not law enforcement trained. They don't have the training nor the
19 expertise to where you could arm them. And when emotions are high, triggers could be
20 inadvertently pulled.

21 Q You're talking about the Guard specifically when you're saying "they"?

22 A Correct. As I recall, it was Guard and troops, and -- yeah, it was Guard. It
23 was Guard. There were a lot of discussions like that. I know they were laser focused
24 on when and when not to use them, and they were -- they would go through whatever
25 continuum of decisions they would go through. I didn't really get involved in those. It

1 was not my area of expertise. I don't know all the concerns that they had. But,
2 certainly, I understand their need to not want to look like a militarized society.

3 Q Yeah. I understand. And I know [REDACTED] going to go through more
4 discussions about the planning, but so -- just to finish, no other sort of lessons learned
5 from the summer that you can recall or cite to with respect to January 6th?

6 A Not that I remember specifically, no.

7 Q Anything you remember generally?

8 A No. I don't remember lessons learned. Look, I got criticized. Of course,
9 I got criticized. You're going to get criticized. Certainly, you had criticism over the
10 Lafayette Park incident. Certainly, you had criticism over the helicopters. That did
11 not -- and that was not something I was concerning myself with necessarily.

12 Q Okay.

13

BY [REDACTED]

14 Q Just before we move off this, Mr. Bowdich, what's your response to
15 the -- kind of the criticism about the response of law enforcement to the summer
16 protesters, primarily those protesters being people of color, versus the response of law
17 enforcement to January 6th? So, as people who are not in law enforcement, certainly
18 saw a stark difference, particularly before the National Guard arrived. What -- can you
19 explain kind of what those differences are and if that -- kind of unpack the critique and
20 whether it's fair or not.

21 A Yeah. I think you're always going to have critics out there. Look, I was
22 out there and saw a lot of these protesters were not people of color. And, again, the FBI
23 had a responsibility to walk right down the middle and stay out of that. Our
24 responsibility was to do everything in our power to work and support our State and local
25 counterparts and other Federal counterparts, when possible, and when jurisdiction for us

1 existed to ensure that we brought order to chaos.

2 Q But was there a more aggressive position of law enforcement, the Bureau,
3 on -- during the summer versus January 6th?

4 A So I think -- look. You've asked me that same question in many different
5 ways. The answer is it's a very different situation. I consider it to be apples and
6 oranges. I think there was a lot of preparation for January 6th, and you can see that
7 clearly for -- from the documents.

8 Q Right.

9 Ms. Greer. This is Megan. I just want to be clear that in terms of speculating,
10 sort of, or responding to criticism, that Mr. Bowdich can speak, you know, to the FBI's
11 particular involvement but not to law enforcement more generally.

12 [REDACTED] Okay.

13 BY [REDACTED]

14 Q Before we move off this one topic, the June 2nd memo that was discussed in
15 that New York Times piece, was that relevant only to the summer protest, or did
16 that -- was that the position for the approach to all civil disturbance?

17 A That was relevant specifically to what was going on at that time. It was not
18 a memo, to be clear. It was an email. They referred to it as a memo. There was a
19 good reason I wrote it, and, you know, sometimes you write things when you're in the
20 heat of the moment, and it's in an email, and you send something out. That happens,
21 and that was the case there. And it was -- I felt it was a necessary message to send. In
22 hindsight, if I could maybe change a few words in there, I would have.

23 Q Thank you for clarifying that, again, because I didn't have the email. It's
24 just more so from the reporting. So, if there's anything you want to clarify about what it
25 states, according to The New York Times piece, which said that you declared the situation

1 a national crisis and then -- and wrote that in addition to investigating violent protesters,
2 instigators, and inciters, Bureau leaders should collect information with robust social
3 media exploitation teams and examine what appear to be highly organized behavior.

4 Is that part of the email accurate?

5 A That is accurate, and -- yes. And you know what? Let me just clear this
6 up and give you the context.

7 Q That would be great.

8 A So, remember, COVID is ripping through the country at this point, and
9 people are concerned. And I did get one, maybe two people who called in and said, "I
10 don't want to put my people out there," or something to that effect, and I -- we were all
11 working crazy hours. I was tired. I was frustrated. And the one part of that memo I
12 would have changed on hindsight was the comparison to the 9/11 subjects. The reason
13 I wrote that in there is because I had been to a number of funerals of FBI agents who
14 were first responders to 9/11 and/or worked the land -- the crime scenes, and I had been
15 to a few of their funerals. And, when I thought about that, I thought, these people ran
16 into -- these law enforcement officers did their duty, and many of them, and when you
17 talk to them now that are now sick, will tell you: We didn't have PPE. I was breathing
18 in all kinds of things.

19 But you know what? They did it. And I felt this had to be the same way, and if
20 we -- when the State and local law enforcement officials were asking for more help, we
21 had to be involved to support them. It doesn't mean we wouldn't hold those that
22 abused their authorities accountable under the civil rights laws, but I felt very strong
23 about that, and I was frustrated. That is when I wrote that.

24 But the way that comparison was perceived by whoever wrote the article or could
25 have been perceived, that's the part I would have left out. But that's the whole context

1 of that particular email. And, if you notice, I was focused not on the 97 percent, to use
2 your percentage. I was focused on the 3 percent.

3 Q I think I said 93 versus 7, but agreed. And just so -- to close the loop on this
4 totally, when the article says, you quote: When 9/11 occurred, our folks did not quibble
5 about whether there was danger ahead of them. They ran head on into peril.

6 And so we can -- and it also says think differently out of the box.

7 So this was in the context of the COVID and, obviously, the response you wanted
8 the -- that you thought the Bureau should take. Is that fair to say?

9 Ms. Antell. I just want to interject again. Mr. Bowdich has noted that that
10 memo happened in -- or I'm sorry -- that email exchange happened in a very different
11 context after a number of days of protests. I don't think it's necessarily a fair
12 comparison to draw when -- because you're talking about requests from law
13 enforcement, and I'm sure you'll get into the requests for assistance from local law
14 enforcement on January 6th. So I'm not sure it's a fair question.

15 [REDACTED] And, Kira, I appreciate that. Part of what we have to do here
16 is kind of clear up what the public perception is about what happened on January 6th.
17 And I said to Mr. Bowdich, there was a public perception that there was a difference in
18 the law enforcement response during the summer versus January 6th. I am not
19 adopting that; I am exploring it. So that's the basis of my questions.

20 We can move on to January 6th itself, Mr. Bowdich. You said --

21 Mr. Harrison. Before we move on, just a note. Just a note. Excuse me.
22 Excuse me. You know, we discussed the topics that were coming up, and we did not
23 discuss that email, so we might want an opportunity to discuss that with you in a separate
24 forum, but --

25 [REDACTED] Sure. And so we're clear, Todd, I don't have the email. I just

1 have The New York Times report. I didn't intend to spend that much time on that,
2 frankly, so we can move toward January 6th itself.

3

BY

4 Q And we can talk about it if you -- if there's anything more you want to clear
5 up about that, Mr. Bowdich, we can.

6 A Yeah. The only other thing I would say is I would -- I was not intentionally
7 putting our people in danger, and we would give them every precaution they could take.
8 But, at the same time, we had to support those that were asking for our assistance or
9 those that needed our assistance.

10 Q Got it.

11 If we could start with January 6th, where you were located, and we know you did
12 ultimately go to the Capitol with Mr. Donoghue. So, if you want to take us through the
13 time of where you learned about -- first about the escalation of violence and take us from
14 there, if that makes sense.

15 A Sure. I was at the office. I had kept my calendar light that day. And I
16 was at the office, and I started to see reports and hear accounts of significant crowds
17 approaching the Capitol. I don't think that was unexpected, but I don't remember what
18 exactly triggered it, but it was not unusual for me to run over to the Washington field
19 office command post, which is about 4 blocks away. And I grabbed my chief of staff and
20 said: Let's run over there and see how it's going.

21 I think it's because I started to sense it was not going well.

22 We went to the command post at WFO. When we did, it's -- I don't remember if
23 it was before then or when I got there, but I think it was before then that I was notified
24 that the Capitol was -- the Capitol Police was losing control of it. When we got there, I
25 went into the command post, and I just wanted to get an assessment of what we were

1 doing and what had been -- what resources had been released and which ones had not
2 been.

3 Q Can we -- do you remember what the timeframe was of when you arrived to
4 the Washington field office?

5 A I don't. I know it was that afternoon. I don't remember the time.

6 Q And then did you ultimately make a decision?

7 A I was there for a while before I told Rich, "Hey, I'm going to go over to the
8 Capitol," and he said, "I'll go with you" --

9 Q Do you remember --

10 A -- to the Capitol.

11 Q Do you remember if Rich came to the [REDACTED] field office?

12 A He did.

13 Q And what triggered the decision to actually physically go to the Capitol if
14 you're in the command post there? Did you feel you were able to see everything that
15 was happening?

16 A Yeah. I wanted to see locally how it's going and understand what we were
17 doing, and this was a major event. It was not going well. That was clear, and so I
18 wanted to make sure that they were getting what they needed, if they needed guidance,
19 if they needed direction. But, more importantly, I wanted to get an assessment, what
20 they were seeing through their eyes.

21 Q When you said things -- you could -- had the feeling things weren't going
22 well, what do you mean by that? What --

23 A I don't remember how I learned, what I learned, and when I learned it, but
24 I -- it was clear that the Capitol Police were starting to become overwhelmed.

25 Q I want to direct your attention to about 1:25 when there was a report about

1 pipe bombs at the RNC and DNC. Do you remember when you --

2 A I do.

3 Q Did you learn about it around that time?

4 A Yeah. I would have learned contemporaneously or shortly thereafter.

5 Q And were you at WFO at that time, or were you at FBI Headquarters?

6 A I think I was still in my office or at headquarters when those initially came in,
7 I believe.

8 Q Did the Bureau respond to that, or was that ATF?

9 A The Bureau in conjunction with ATF and Metro responded to those.

10 Q Do you remember, again, generally, how many resources were taken to kind
11 of deal with that issue with the RNC and DNC bombs?

12 A I don't. I do not.

13 Q As you sit here now, do you think that there was ever -- that was an attempt
14 or a possibility to attempt to distract law enforcement from then what occurred after the
15 1:25 --

16 A I don't have an answer. I'd leave that to the FBI because I just don't know
17 the answer. I've been gone, and I didn't see all the follow-up that took place.

18 Q Did you have a theory before you left the FBI whether that was a distraction
19 tactic?

20 A I can't say I did at that point. I wasn't sure of the answer to that. We
21 were certainly considering it. I just don't know the answer.

22 Q Now, while this is happening on the 6th, before that, did you have a sense of
23 how many FBI personnel were kind of prepositioned to respond in the event there
24 was a -- I won't say an attack but an escalation of violence on -- at the Capitol?

25 A No. I think it's important to understand a couple things. First off, I called

1 the ADIC many times. We had a number of discussions. I told him I want his SWAT
2 teams prepared. [REDACTED] It's a big team, a
3 busy team. [REDACTED]. I wanted them on standby and ready to
4 deploy, meaning on the gear bags. I also called the SAC in charge [REDACTED] field
5 office who has a good-sized team and asked [REDACTED] I'll
6 leave the coordination to the [REDACTED] SWAT team leaders and did in that case as well, but I
7 told [REDACTED] I wanted them in the district. The third thing I did was asked CIRG, which is our
8 [REDACTED] Crisis Response Group, to put our hostage rescue team on standby and
9 ready to deploy quickly, if necessary.

10 Q And this was all done prior to the 6th, right?

11 A Correct.

12 Q Okay. I believe what you just described as outlined in the DOJ planning
13 events for January -- the efforts you took on January 4th and 5th, around the same time
14 the SIOC was set up. Does that sound right?

15 A I don't know. Actually, I don't know when I made that decision, but that
16 was before then, I believe, but I'm not sure.

17 Q So -- and I'm -- from a timeline, I think it's the Capitol Police timeline, it
18 states that, at 3:07, 20 ATF and FBI personnel arrived. And then, from other emails, it
19 indicates around the 3:30 timeframe, FBI SWAT resources were sent to the Capitol.
20 Were you at the Capitol at that time, or had the -- had FBI personnel, underlings, arrived
21 prior to your arrival to the Capitol?

22 A So some had arrived, and I think there were more coming. They had a
23 staging location that Capitol Police was trying to direct traffic from [REDACTED]

24 [REDACTED] Once everything went bad on this, I started to receive emails and texts,
25 mostly texts, I think, and one of them was from Senator Warner. And I think I had a call

1 with him or may have had a call with him that day, and he was obviously exercised and
2 said: This is a mess, and we now have the vast majority of the Senate in one room. I
3 think he said 87 senators or some number like that.

4 So, at that point, I directed [REDACTED] to go protect that room, recognizing you
5 have almost the entire Senate in one room. And the way he was describing it is it was
6 still an unsafe environment, so we sent [REDACTED] over to protect those Senators. When
7 I got to the Capitol, when I arrived at the Capitol, that was the first place I went, and the
8 [REDACTED] team was posted outside the Senate room or the room, rather, where the
9 Senate -- the Senators were in, and they were protecting that space.

10 Q Do you remember, apart from Senator Warner, if any other Member of
11 Congress reached out to you?

12 A I don't recall receiving any direct reachout. I did receive a text from Will
13 Levi who was the Attorney General's chief of staff, who said -- he has -- a lot of folks in
14 Washington do, he had contacts on The Hill, and someone on The Hill had sent him
15 something and said: They're trying to kick down our door.

16 I believe it was Senator McConnell's staff, and he said they're worried that they're
17 going to get hurt. They're -- the door's being kicked in, or they're saying the door's
18 being kicked in. So I called and said: Get SWAT over there and make sure that we can
19 protect people. And I think, by the time they arrived to that particular office, I think
20 it -- they had actually gotten out, but we sent them immediately. Those are the only
21 two reachouts in particular that I recall, and even the second one was not direct with a
22 Member.

23 Q Can you just talk us through, forgetting the timing, but what you observed
24 when you arrived to the Capitol?

25 A My first observations were at the Senate room where they had all these

1 Senators there, and they were milling around. There had already been, quite frankly,
2 some press that had arrived and was sitting outside, one or two that I recall. And I had a
3 quick discussion with Senator Warner, and then I went into the Capitol. And what I saw
4 was there were SWAT teams on sight, and there was some coordination that was taking
5 place, and we were trying to make sure that took place.

6 There was also -- we went back to a specific office. I don't remember whose it
7 was. But, in that specific office, Rich and I had a call, and I believe Shawn Benedict (ph)
8 from ATF was there as well, who was their SAC at the time. And we went into this room,
9 and I had a call with, I believe it was -- well, it was the Vice President. I believe Speaker
10 Pelosi was on there. I don't know who else was on the call, quite frankly. SecDef was
11 on. The Acting Attorney General was on. Rich was there and myself and Aushon (ph),
12 and there were probably other folks from the White House and/or Congress that were
13 present that I just don't remember.

14 Q Do you remember how long you were in the Capitol proper before that call
15 took place?

16 A A while. A while. I don't remember exactly how long.

17 Q And just, so that I'm clear, when you arrived to the Capitol, the Senators
18 were still in the Chamber and had not been cleared out yet?

19 A Correct. That's definite, yes. No. Not in the Chamber. I'm sorry.
20 Not in the Chamber. They were in a room --

21 Q Okay.

22 A -- that they had been evac'd to. They were in a room that they had been
23 evac'd to --

24 Q Okay.

25 A -- and they were milling around in a giant -- a large room.

1 Q Yeah. That changes the timeline significantly, so I was -- I was getting a
2 little bit confused there.

3 Did -- what efforts did you take -- well let me just go back to that call. Who led
4 that call?

5 A As I sit here today, I don't know who led it. I don't know.

6 Q Do you know what -- was the call regarding the updates about what was
7 happening at the Capitol in terms of --

8 A It was a call to determine what did we know, what was happening. I
9 remember at least Speaker Pelosi. Leader McConnell may have been on there; I'm not
10 sure. But they were very focused on: When can we get back? We really want to
11 send a message and reopen deliberations, reopen our business.

12 And we ultimately -- I think we may have given a time that we thought we'd
13 be -- have the place clear by a certain time, maybe 6 or 7, and they could hopefully get in
14 an hour later. We tried to give ourselves some flex time because we were still searching
15 the entire building for people who may be holed up, people who may not yet have been
16 identified, et cetera.

17 Q Do you remember what, if anything, the Vice President said on that call?

18 A I don't. I remember him thanking everyone for their efforts.

19 Q And what steps did you take after that?

20 A Rich and I went out together and walked out, talked to the tactical teams a
21 little bit, made sure people were being coordinated with. At one point, the Secretary of
22 the Army called me and said: Where would you like my people? They're arriving.

23 And we -- I guided him to our tactical team leader, or I asked the team
24 leader -- somehow we got them to where we needed them to go, and then, ultimately,
25 they continued to do their business.

1 Rich and I then walked through the rotunda. We went into -- I'm sorry. I'm not
2 recalling the name of the room, the main room where they sit and where the shooting
3 occurred. We walked in the back hallway and just viewed the scene very quickly where
4 the shooting with Ashli Babbitt occurred. And, ultimately, we backed out of that and let
5 the crime scene team do their business. And then we stayed for some time, and at
6 some point, we left.

7 Q Do you have an estimate of how many hours you were at the Capitol?

8 A I don't. I don't --

9 Q Okay. I want to go back to what you said about the Secretary of the Army.
10 Would that be Secretary McCarthy reached out to you?

11 A He did.

12 Q There's -- there was an exhibit, and I'll just read it to you, that was provided.
13 It's exhibit 23. It's a 4:02 email to you and Rich Donoghue that says: Call Secretary
14 McCarthy. He has not released the DCNG to assist. They're all parked at the D.C.
15 Armory.

16 A What's the Bates stamp number?

17 Q It's exhibit 23. It should be in the binder. It's Bates stamp 1415.

18 A Okay. Yeah. If you notice, I'm CC'd. That was to Rich, and I believe Rich
19 probably made the call because I don't remember making that call back.

20 Q So would that have been --

21 A And I don't remember it. It was a hectic day.

22 Q Yeah. I understand.

23 Would that be separate from the call you received from Ryan McCarthy asking you
24 where his people should go?

25 A Correct. That was -- that must have come later because they were -- my

1 recollection of that call is: Hey, my people are arriving. Where should they go?

2 So it sounded to me, at least my perception of it, was they were -- had reached
3 the Capitol parking lot or the grounds, and they didn't know where to go, so we vectored
4 them in. I don't remember all the steps that took place, but somehow we vectored
5 them in to where they needed to go.

6 Q Did you direct them to someone within the Bureau or someone at Capitol
7 Police?

8 A No. It would have been our tactical people. I just don't remember who or
9 how that happened.

10 Q And was any of that coordinated prior to January 6th in the sense of was
11 there ever a conversation if the D.C. National Guard does have to respond, who is going
12 to be in charge of telling them where to go?

13 A I don't remember having that conversation. I don't know if that
14 conversation occurred with the Capitol Police who are responsible for security of the
15 Capitol Complex and Grounds.

16 [REDACTED] do you have anything on this?

17 [REDACTED] No, I don't. Thank you.

18 Mr. Harrison. Hey, [REDACTED] it's Todd. Do you have a sense of how much
19 longer you're going to be? We had been scheduled to go until 2 o'clock, and we're --

20 [REDACTED] Yeah, we're wrapping up. Probably about 20 -- 20 more
21 minutes, I think.

22 Mr. Harrison. Okay. Can we get a -- just a quick 2-minute bathroom break?

23 [REDACTED] Sure.

24 [REDACTED] Yeah. Of course.

25 [Recess.]

1

2 [2:15 p.m.]

3

BY [REDACTED]

4

Q We're wrapping up.

5

So on that day of January 6th, did you have any contact with any White House

6

officials?

7

A Other than the call I just discussed where I was one of a number of parties,

8

no, not to my recollection.

9

Q There was no direct contact with President Trump or Mark Meadows?

10

A Zero.

11

Q What was your contact with Director Wray during this time in terms of

12

providing him updates?

13

A He and I talked often -- well, not often, but we talked -- I think we texted

14

some, and I probably -- well, I would guess I called him once or twice.

15

Look, I don't keep him informed of every step along the way, but I wanted to make

16

sure that he understood what was going on on the ground as the Director of the

17

organization, because what I believe happened was he was sitting down in the SIOC with

18

other members of the leadership team, particularly those from the crisis response and

19

the national security side.

20

Q Do you know if he was in touch with anyone at the White House?

21

A I don't know.

22

Q Do you know if any attempts were made from the White House to contact

23

the Director?

24

A I don't know.

25

Q At any time on the 6th, or in the preparation for the 6th, was there ever any

1 resistance to deploying law enforcement or the Bureau itself --

2 A No.

3 Q -- from the White House?

4 A Not that I was aware of. I never heard anything like that.

5 Q And before the rally on January 6th, did anyone contact you from the White
6 House about January 6th?

7 A No.

8 Q We spoke a little bit about your contact with Senator Warner. There was
9 The Wall Street Journal reporting that says -- is it fair to say you're that senior official he is
10 referring to?

11 Mr. Harrison. What -- I'm sorry. This is Todd. In which -- what are you
12 referring to specifically?

13 [REDACTED] Oh, it's really not that important.

14 Mr. Harrison. It wasn't included as --

15 [REDACTED] Yeah. It's just a Wall Street Journal reporting about Senator
16 Warner's contact with a senior FBI official, which I'm assuming is Mr. Bowdich.

17 I did want to take a moment --

18 The Witness. It is fair to say that, and my belief is that he was referencing my
19 conversation with him.

20 Mr. Harrison. He is quoted.

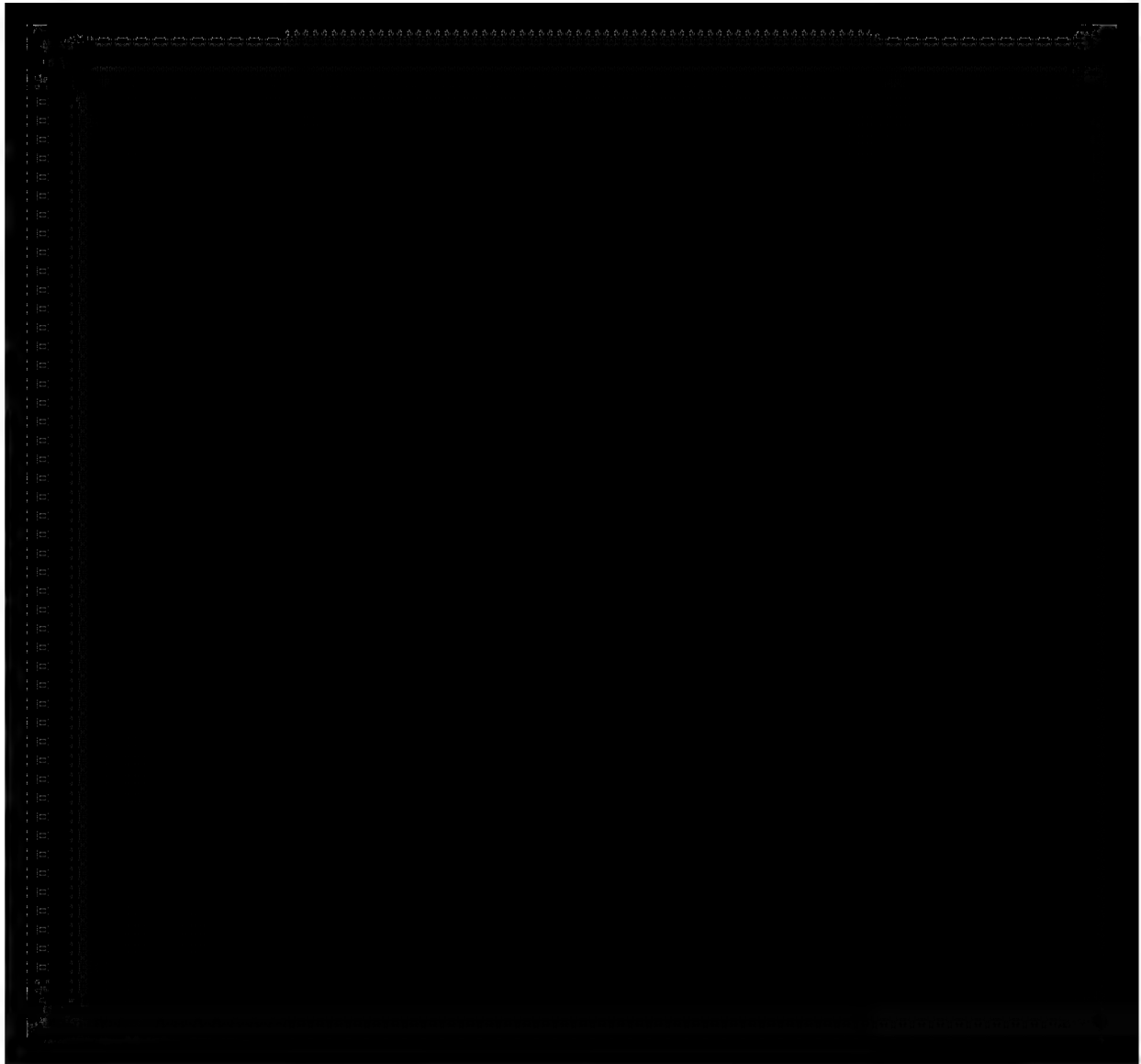
21 The Witness. Now, that was his interpretation. That was not my interpretation
22 of what occurred in that call, to be clear.

23 BY [REDACTED]

24 Q What was your interpretation of what occurred in that call?

25 A All right. So thank you.

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Q Got it.

I also want to just briefly, if you want to clear up another reporting where you're quoted from the Washington Post about just Mr. Levy reached out to you, Will Levy, about getting the Bureau to the Capitol.

This is The Washington Post article, but I just want to clarify, in the article -- and I'll give you the date. It's -- we don't have the date of this article, but let me just get to the point of the question is.

In the article it said that Will Levy reached out to you from his home. You were

1 already at the Washington field office. Capitol Police had said previously they didn't
2 need help, but Bowdich decided he couldn't wait for a formal invitation. And then you
3 dispatched the first of three tactical teams. One was from [REDACTED] as you mentioned
4 today, to go there, and that there was no time -- the quote from you is, Get their asses
5 over there and go now, he said to the first teams commander. "We don't have time to
6 huddle."

7 I just want to ask, not about your quote, but whether you thought that there
8 needed to be -- did there need to be formal invitation from the Capitol Police to get the
9 Bureau to respond on January 6th?

10 A No. Not necessarily, no, there did not. Is it ideal when you have a
11 situation like this where you have a traffic cop who knows exactly which team is going to
12 go into which door? Yes. But in this case, it was a very bad situation that was only
13 getting worse, and we needed to get resources over there immediately, regardless of
14 staging areas, traffic cops, so to speak, for resources, just get them in there, which is not
15 ideal because you could potentially have a blue-on-blue situation, which is a dangerous
16 situation potentially, where you have good guys and gals coming at each other with good
17 intent, but people can get mixed signals in a stressful situation.

18 But it was one of those situations where we did not have a lot of time. We just
19 needed to get in there and do our part.

20 Q Before I go into some wrap-up questions here, I just wanted to -- we have
21 one page, I think it's a back-to-back page of -- it's Bates stamped 1068, and it's your text
22 messages.

23 Did you see that?

24 A 1068.

25 [Discussion off the record.]

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BY [REDACTED]



14 Q Okay. It's just blocked out, so I didn't know if there was more than one
15 member reaching out to you.

16 A No, not to my recollection. And I think I would remember that. I think he
17 was the only one. It was a very bad day, to be clear.

18 Q What's that?

19 A It was a very bad day to be clear, and there was information flying all over
20 the place.

21 Q I want to just kind of -- as we head towards the end here, just in your
22 experience, your vast experience, particularly in responding to crises and as you look
23 back, what do you -- what could have prevented this from happening?

24 A That's a big question.

25 Q It's the last question -- well, one of a few.

1 A Yeah. Look, I don't know the answer to that. I think our country was, and
2 to some extent, is divided, and at that point at least, and there have been times in our
3 history where it seems a little unhealthy divided, and I think that can lead to incidents like
4 this where there's a very combustible mix of emotions which can overflow.

5 Now, that's my thought on it.

6 As far as what could have prevented this, I don't know. I know there's a
7 tendency for everyone to want to find whose fault this is, and understandably, because
8 we have to after-action what did not go well. That's our responsibility as a country. As
9 an organization, we used to do that.

10 But, ultimately, there are so many players, especially in the district. The FBI has
11 its responsibilities. The U.S. Capitol Police has their responsibilities, and the Metro
12 Police Department has their responsibilities, and the Park Police has their responsibilities.
13 And they do it quite well.

14 So there's a lot of diffuse responsibilities taking place in one very small location.
15 The Metro P.D. are typically very, very good at crowd control. I have seen it time and
16 time and time again. But in this case, I think law enforcement was overwhelmed,
17 certainly at the Capitol. That's clear, indeed, to say that.

18 Q How much responsibility do you think that the intelligence community had in
19 terms of not issuing a specific warning about January 6th?

20 A Look, I think -- yeah, and I understand people will say that. But I think you
21 also have to look at the context of the time. So, as I recall, on the 21st, we sent out a
22 collection emphasis message, of December 21st. That was specific to the inauguration
23 January the 20th, and that listed certain gaps, or pleas for intel on certain -- with very
24 specific questions.

25 There is nothing that would prohibit anyone from using that same thing and

1 finding intelligence of value before then that couldn't be pushed up.

2 So, I think you have to be mindful of certain things like that, not to let it become
3 so much noise that people stop listening. So, in other words, when you send out a
4 collection emphasis message, it needs to matter. It needs to have specific requests.

5 But when we sent one out for January the 20th for the inauguration, it's very likely
6 people would be sending in information for on the 1st, the 2nd, and all the way up to the
7 20th. And also there's nothing that -- people wouldn't necessarily say, Well, we're not
8 going to send this in because this doesn't pertain to the inauguration. This pertains to
9 the 6th. Regardless, they would be sending that intel in and allowing it to be analyzed
10 and reviewed and ultimately disseminated, if necessary.

11 Q So if I understand your answer, if the intelligence was there, so not -- so a
12 joint intelligence bulletin issued by the Bureau wouldn't necessarily have impacted if
13 everyone has access to the same information? Correct me if I'm wrong.

14 A I'm not sure if it would have or not. That's a difficult question to answer.
15 I don't think it would have, but I just don't know. And I don't have a crystal ball to make
16 that determination.

17 Q And just -- this is, again, a big question. But as you entered into
18 January 6th, what was your -- at your level, understanding of what the threat landscape
19 would be on January 6th? Did you believe there was going to be a potential for
20 violence?

21 A Oh, absolutely, we believed there was going to be a potential for violence.
22 Did I anticipate the Capitol would ever be overtaken like it was? I did not. Were there
23 precautions taken in multiple locations, to include the Capitol? Yes.

24 Q And based upon what your assessment was in your mind, was the Bureau
25 adequately prepared for January 6th?

1 A I think we were. And, again, I would take you back to read all of the
2 material that goes through all of the Guardians, all the resources we applied, all the
3 coordination.

4 And, by the way, I was there the night before in the command post at WFO where
5 a briefing came in. And what happens in those briefings, those SITREP briefings, is a
6 member of each agency -- the briefing is led by the Bureau. A member of the Park
7 Police got up and briefed, Here's what we know. A member of the Capitol Police got up,
8 and Here's what we know. A member of Metro Police got up, and Here's what we
9 know, and on and on. It went through the JTTF.

10 So there's good, adequate information-sharing, but there was -- it happened. I
11 also think you have to look at all the resources we brought in. We brought in an extra
12 tactical team. We already had [REDACTED] at WFO [REDACTED]. You had [REDACTED]
13 and then you had Hostage Rescue Team, [REDACTED]
14 [REDACTED] was on standby. If you have to use them, it's gotten really bad and --

15 Q Were they used on January 6th, the HRT team?

16 A They were deployed and, yes, I believe they did make the Capitol.

17 Q And just the last couple of questions on the intelligence --

18 A I don't want to -- I'm almost certain, but I want to be clear, I'm not sure they
19 actually made it, but I'm almost certain they were at the Capitol.

20 [Discussion off the record.]

21 The Witness. I don't know.

22 BY [REDACTED]

23 Q Just another big picture question, though. We talked a little bit about the
24 domestic terrorism cases, and I just want to go back to kind of what the focus of those
25 cases are.

1 Does it include kind of the groups that we saw who participated January 6th, the
2 Proud Boys, Oath Keepers, or is there more of a focus on the antifa types as you discussed
3 earlier?

4 A There's a whole slew of domestic terrorism groups that we focus on, and it's
5 not limited to even antifa, anarchists, White supremacists, or them. You have groups
6 like the Base out there. You have a whole slew of groups that when they rise to the
7 level of interest to where we believe we have potential Federal interests and violations of
8 Federal law, we will focus on them, and we do.

9 I don't have that list in front of me. And, quite frankly, it's not as fresh as it used
10 to be, but there's a lot of them.

11 [REDACTED] Do you have anything else?

12 [REDACTED] Not right now.

13 [REDACTED] With respect to thoughts?

14 [REDACTED] Yes.

15 [REDACTED] Do you want to do that now?

16 [REDACTED] Yes, sure.

17 BY [REDACTED]

18 Q Mr. Bowdich, we ask every witness as we go through this process for
19 thoughts about possible recommendations. The select committee is tasked with both
20 looking backward at what happened but also looking forward and making
21 recommendations for possible policy changes, resource commitments, legislation, or
22 otherwise.

23 I'm just wondering, personally, given your vast experience, do you have any
24 thoughts about that, things that, in your view, personally you think we ought to consider
25 on that list of recommendations?

1 A Well, I think -- personally I think the JTTF's work, I think they are a really
2 important focal point in all of the terrorism investigations, be they domestic or be they
3 international. They work because they serve as a funnel point, and they do include all of
4 the State and local agencies that have the resources to contribute or -- and federally as
5 well. That is really important that that not get changed because that could be disastrous
6 if it does, for many reasons that it would take us an hour to go through.

7 As far as resources, look, D.C. is a challenge because you have the Park Police.
8 Security of the Capitol rests with the Park Police -- I'm sorry, rests with the Capitol Police.

9 Then you have the Park Police which supplements the Secret Service, and they are
10 under the Department of Interior, and they do some great work also.

11 And then you have Metro Police.

12 I think you have to be very careful to -- depending -- look, you have all the
13 information. I'll leave that there. So you, I'm very confident, based on the way you
14 both questioned, you have got a sharp group there, that you'll make some good
15 recommendations, whatever they may be.

16 I would not -- I hate the term, but I would not throw the baby out with the
17 bathwater on this one because there are some things that really work well. And I think
18 there could be damage done if you undo some of the good things that have been done,
19 particularly post 9/11.

20 I also think there are some sensitivities that you all have to be very mindful of.
21 So, for example, I've heard, well, should there be a Federal lead agency over all of the
22 agencies? Well, if you look back at the letter that was written by Mayor Bowser on the
23 5th of January, which is clear, they are essentially saying, We've got this. Everything
24 needs to be coordinated through us.

25 Should that have happened? I don't know. I'll leave that to you to determine.

1 But they are very, very sensitive to the way they perceive themselves, just like any other
2 agency.

3 In Los Angeles P.D., which I worked with a lot, they are very sensitive. You can
4 work together, but to determine, Hey, you're the lead over this as opposed to them; it's a
5 very delicate dance, and I would be careful with that.

6 In terrorism, the FBI absolutely needs to continue to be the lead on that. I'm
7 firm with that, and I recognize that comes with responsibilities. But the reason is,
8 there's so much intelligence that if you created additional structures, you could create,
9 like you used to have working drugs, where squads are missing connections. You've got
10 U.S. intel community coming in here. You could have misconnections. You could have
11 competition. You should not have that, especially in terrorism, because it could be very,
12 very dangerous.

13 Q All very helpful.

14 What about specifically the relationship between the Department of Homeland
15 Security and the FBI when it comes to identification of potential threats and
16 dissemination of information to law enforcement partners?

17 Do you have any thoughts how that currently works, how it might work better?

18 A That's a hard one. It's a valid question. I think the investigative aspects
19 should be left to the FBI. I think we worked extremely well with the CBP, and they are
20 great partners on the Joint Terrorism Task Forces.

21 As far as the intel side between INA and the FBI, as you well know, they joint seal a
22 lot of products. I would refer you back to the FBI to better understand all the nuances
23 and the friction points, if there are some there.

24 But, in general, I don't think it's a dysfunctional system. DHS is a massive
25 organization. I'll leave that analysis to you.

1 But on the JTTF partners that we had to work with on the investigative side, and
2 on the intelligence side, certainly on the investigative side, it seemed to work pretty well,
3 with exceptions here and there, but usually iron out the wrinkles and then you move on.

4 Q Yeah. How about any specific Bureau changes, DIOG or otherwise, that
5 would, in your view, make the gathering of intelligence, the dissemination of intelligence,
6 the operationalization of it easier? Anything in your view -- this is just you speaking for
7 yourself, not the FBI -- that you would recommend be considered?

8 A And I know you don't want to hear this, but I'm going to refer you back to
9 the FBI on that. However, anything you could do to make it a little easier for the agents
10 in the street to open domestic terrorism investigations would be helpful to them. And
11 those are difficult cases.

12 Q Yes. That's exactly what I was thinking of with that question.

13 How specifically should or could we do that, making it easier for agents in the field
14 to open domestic terrorism investigations?

15 A I'm going to leave that back between the FBI and the Department of Justice
16 to liaise with you. I just know, having run a very large terrorism program out in Los
17 Angeles, it can be challenging for the DT folks, and they have every bit of the work ethic
18 as every -- anyone else, and I think the -- there are necessary checks and balances, and
19 there's some complexities in those cases that need to be deeply considered. But I'll
20 leave that to you all as the experts now, and to the Bureau and Justice.

21 The only other thing that I would ask you to consider is if you consider 2020, it was
22 a very challenging year, not just for our organization, for all of the organizations involved,
23 for some of the things we have already talked about, but in addition to COVID, in addition
24 to all of the events that occurred around the country, whether it's Portland, Seattle, the
25 country, whether it's D.C., whether it's the political climate that's out there, it was an

1 incredibly difficult year that I hope we don't see another one of. But I would just ask
2 you to consider that in fairness to all of the organizations that were involved.

3 Q Absolutely understand that it was difficult. Obviously, what happened at
4 the Capitol was hopefully anomalous. Our goal is to try to provide some
5 recommendations that help ensure that it is, that it's not the kind of thing that we see
6 again.

7 So that's sort of an open question, Mr. Bowdich, to the extent you give that some
8 thought and have anything in mind that you think we ought to consider. Obviously, it's
9 up to the select committee to decide what they ultimately recommend, but someone
10 with your experience, obviously not speaking for the Bureau, they've got the same
11 opportunity to give us their perspective on that, but through your lawyer, if there are any
12 other thoughts you have, please feel free to pass them along.

13 A Sure.

14 The only final one I would add, because I'm very passionate about this one, is the
15 encryption issue, which is -- it's one of the most -- it is -- in my time in law enforcement,
16 on the law enforcement intelligence side, it's the most complicated issue that I recall in
17 our business. And it impacts every side of the Bureau that I can remember, and it really
18 came to a head during the San Bernardino investigation, as you well know, and the
19 government played some things well, and some things -- and the tech companies are
20 powerful. And there's always a debate, as you well know, between privacy and security.
21 We look through our lenses; the tech companies look through theirs.

22 I understand that some folks will typically default towards privacy over security.
23 I would be just the opposite, with appropriate court process. But I think the reason I'm
24 bringing this up here is we don't know what we don't know here. And we don't know if
25 there was organized behavior going on on encrypted apps that we did not have visibility

1 into. And I think that's really important.

2 And you find any FBI agent out there who's a good investigator, and they will tell
3 you this is a big issue, regardless of violations.

4 Q You're talking about the iPhone that the Bureau seized but couldn't unlock
5 for a while at the San Bernardino incident? I assume that's the extra reference to San
6 Bernardino?

7 A That is. That's where it touched off, but the debate has waged since then
8 in a very significant way.

9 Q Yeah.

10 A And it's just a hard one, and I don't see progress on it. And I will tell you, I
11 think we have got to make progress on it for the long haul.

12 Q Right.

13 A And I think it does pertain potentially to this case because, again, we don't
14 know what was going on on encrypted apps or encrypted devices.

15 Q Right. So providing some, with standards, privacy being respected, some
16 ability for law enforcement to look behind those safeguards, those encryptions, to make
17 investigations and intel-gathering more available is something we ought to consider?
18 That's your bottom line?

19 A That's my bottom line. And I would encourage you -- I am incredibly
20 impressed with our cryptologists at the NSA, and we have had a lot of these types of
21 discussions with them. I think I would put them up against anyone.

22 And some of the narratives that are out there, which is you can't have
23 security -- or you can't have privacy with security, I don't agree with. And they will tell
24 you there is a -- and I'll let them brief you, if you get a chance to talk to them. They will
25 give you a more accurate assessment. There may be a slightly reduced security

1 element. But the question is, is there a sweet spot we can find in the middle, so --

2 Q Between privacy and security, respecting both?

3 A Correct.

4 Q Okay.

5 All right. Anything that we didn't ask you, any question we didn't ask you, any
6 fact you want to provide, any perspective about January 6th or the context in which it
7 occurred, Mr. Bowdich, that you want to make sure we know before we stop?

8 A Not that I can recall.

9 Thank you for your questioning.

10 [REDACTED] Okay.

11 Go ahead.

12 [REDACTED] I think we're done. I think that, you know, the big question
13 here was the intelligence piece, and I appreciate you taking the time to walk us through
14 it.

15 I guess my final question -- Todd, I promise, final question -- is what could help the
16 Bureau get for the threat assessment aspect? Do you think the Bureau is designed
17 better to build cases and prosecute cases, or is it equally designed to succeed at doing
18 these threat assessments?

19 The Witness. I think we can do both, and I say "we," because I lived that life for
20 over 25 years. I think we can do both, and I think there are other agencies overseas
21 where they have built a wall between domestic intel and investigations, and they will
22 clearly tell you that wall is a problem. And I would encourage you to talk to them if you
23 get a chance and get their take on it, because I think you would find a little different
24 vantage point from them.

25 There are many who have said we envy that because it would make it easier for us

1 to do more than we are currently available to do.

2 Again, I think the checks and balances with DOJ are so important as we talk about
3 that, but you can also build walls, and that's exactly what we had pre 9/11.

4 [REDACTED] Okay. Appreciate your time.

5 Thank you so much.

6 The Witness. Thank you all.

7 [REDACTED] Thank you.

8 [REDACTED] Thank you very much. Appreciate it.

9 The Witness. Nice meeting you.

10 [Whereupon, at 2:45 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date